

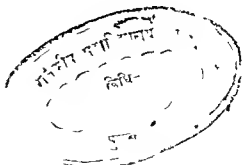
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# THE CONSTITUTIONAL SYSTEM AND POLITICS OF ITALY



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*Edited by*  
Research Board



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## PREFACE

THIS is a short brochure on the constitutional and administrative system of *Italy*. The purpose of this description is to present an authentic picture of the Government and politics of this great country. It also throws light on almost all the important aspects of its local and central administration and foreign policy.

It may be added that the entire or most of the material of this brochure is based on the fact sheets, reference papers and other official publications supplied to us by the Embassy of *Italy*. The volume narrates the whole matter, just as it is described in the official publications of the concerned Embassy or Government. Only the sequence has been arranged to make it easier for the reader to understand the subject-matter. We are extremely grateful to the Embassy of *Italy* for generously providing us with the material of our interest and extending co-operation in every respect.

It need hardly be added that the publishers do not claim or acknowledge any responsibility for the views expressed or matter described in the volume.

Once again we express our gratitude to the Embassy of *Italy* for supplying us material of our interest and extending their kind cooperation.



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THE  
CONSTITUTIONAL  
SYSTEM  
AND  
POLITICS  
OF  
ITALY



## THE SYSTEM OF GOVERNMENT

**O**n June 25, 1944, nine months after the armistice of September 8, 1943 and only a few days after the liberation of Rome by the Allies, a Decree signed by the Lieutenant General of the Realm was issued in Naples. It established that "after liberation of metropolitan territory, institutional forms shall be chosen by the Italian people who, to this end, shall elect, by means of universal, direct and secret suffrage, a Constituent Assembly to draft the new Constitution."

This Decree signed by the Lieutenant General of the Realm was the link that guaranteed the continuation of a unified nation, founded in 1861 with the institution of the Kingdom of Italy and now laboriously struggling for new recognition of fresh

democratic principles after the ruin and mourning of the second world war. From a practical viewpoint, the old pact between monarchy and people, reached a century earlier with the Statute of Charles Albert and successive plebiscites on annexation, was due for revision because of the profound changes that had taken place. The wisdom and maturity of the Italian people were amply demonstrated in the radical institutional changes that took place in an entirely peaceful and democratic manner and under circumstances that were far from normal, something that is by no means common in the history of the peoples of the world.

During the slow and arduous task of initiating political and material reconstruction, the first official body to represent, even though indirectly, the trends in public opinion was the National Consulta, appointed in 1945. Its chief responsibility was to draft norms on the election of the Constituent Assembly and the extent of its powers and also to arrange the Referendum which the Italian people would be directly asked to choose between a Monarchy or a Republic. By virtue of the norms approved under the Legislative Decree of the Lieutenant of the Realm, dated March 16, 1946, No 48, the date for the Referendum and the election of Deputies to the Constituent Assembly was set for June 2, 1946 and it is now history that the majority of the Italian people voted for the republican form of government.

The results of the Referendum were proclaimed by the Supreme Court of Cassation and Humbert of Savoy left Italian territory. The Constituent Assembly met at Montecitorio on June 25, 1946 and elected a temporary Head of the State in the person of Enrico De Nicola, Speaker of the Chamber of Deputies from 1920 to 1924.

The specific task of preparing for the drafting of a new Constitution was entrusted to the Ministry for the Constituent Assembly, instituted under Decree No 435 of the Lieutenant



of the Realm, dated July 31, 1945. The Constituent Assembly appointed a "Committee of 75" from among its members, under the chairmanship of the Hon. ~~Mencio Rini~~ <sup>Menico Rini</sup>. This Committee was composed of leading representatives of all political parties and movements and, with the help of three Sub Committees and a Committee for Coordination and Revision, it was required to draft a Constitution to be submitted to the Plenary Assembly.

The "Committee of 75" had to face a wide range of problems during the 160 or more meetings that it held between July 20, 1946 and January 31, 1947. Many of these concerned the Preamble, the flexibility or rigidity of the Constitution, references or not to the norms contained in the Concordat, whether there should be one or two legislative Chambers, and regional autonomy. Discussions on the draft document began on March 4, 1947 and concluded on December 22 of the same year, after 1,663 amendments had been examined during 170 sittings.

It was on the latter date that the Constituent Assembly approved the final text of the Constitution, with 453 favourable votes cast by the 515 members present. Promulgated on December 27, 1947 by Enrico De Nicola who assumed the title and office of President of the Republic of Italy, and countersigned by the President of the Constituent Assembly, the Hon. Umberto Terracini, and the Prime Minister, the Hon. Alcide De Gasperi, it came into force on January 1, 1948.

The Constitution of 1948 was the result of almost eighteen months of labour on the part of members of the Constituent Assembly, all of whom were filled with a common desire to elaborate a document that would represent a convergence of institutional concepts and the ideals of the various political groups existing.

The particular conditions under which the Constitution was conceived, the atmosphere of the time, and the political

and constitutional experiences through which Italy had passed, must never be forgotten and it must also be remembered that numerous parties, each with its own ideology, still existed in a country that had only just emerged from the nightmare of the second world war

The result has been a type of Constitution that, on the one hand, lays down the structure of administration and defines the manner in which the political and civil liberties of the private citizen must be guaranteed, as accepted under the traditional democratic and parliamentary system while, on the other, it offers safeguards for new relationships, imposes new responsibilities on the State, and provides a foundation for future legislation

This accounts for the twofold appearance of the new Italian Constitution. It is intended to reinstate traditional freedoms, even safeguarding them with the most rigorous and complete guarantees but, at the same time, it tends towards sketching the plan of a politically and socially advanced regime that will be built by the political forces of tomorrow

As all modern constitutional charters, the Constitution of the Republic of Italy respects the classical, threefold division of the functions of the State (a) legislative functions, (b) executive functions, including public administration, (c) jurisdictional functions

The President of the Republic is the accepted Head of the State and he is elected by Parliament in joint session. Three delegates representing each Region also participate in these elections

Any private citizen who is fifty years of age and enjoys full political and civil rights may be elected President. The term of office is seven years and, thirty days prior to termination of this period, the Speaker of the Chamber of Deputies convenes a joint session of Parliament and the regional representatives for the purpose of electing a new President

Should the President of the Republic, for reasons of a temporary nature, be unable to exercise his duties, his office is taken over by the Speaker of the Senate. Should impediment be of a permanent nature, or through death or resignation, the Speaker of the Chamber of Deputies orders the election of a new President within fifteen days.

The responsibilities of the President of the Republic are specified in the Constitution.

Legislative functions are exercised by the Chamber of Deputies and the Senate of the Republic.

The Chamber of Deputies is currently composed of 630 Members. Persons who have reached the age of twenty-five years may be elected and they remain in office for a period of five years. Election is through secret and direct universal suffrage on the part of all private citizens who are twenty-one years of age and over, including women.

The Senate of the Republic is composed of 315 Senators. Persons who are forty years of age and over are eligible and their mandate lasts for a period of five years. Only persons of 25 years of age and over may take part in elections for the Senate.

At the end of his term of office, the President of the Republic becomes a Life Senator automatically, unless he refuses nomination.

Five persons, over and above the 315 elected Members, who have brought honour to the country through social, scientific, artistic or literary achievements may be appointed Life Senators by the President of the Republic.

Parliament is responsible for approving and issuing all laws.

Bills may be introduced by the Government (upon the authorization of the President of the Republic), each Mem-

ber of Parliament and each Region or directly by the population when a minimum of fifty thousand voters present a Bill already drafted in articles and clauses

The Republican Government is composed of the President of Council of Ministers (Prime Minister) and his Ministers, all of whom form the Cabinet. The Prime Minister, the Ministers and the Undersecretaries are appointed by the President of the Republic, the last two appointments upon the recommendation of the Prime Minister.

The Government must enjoy the confidence of Parliament to which it must present itself within ten days of its formation. Should a vote of "no confidence" be passed, it must resign immediately.

The responsibilities of Government are many. It deliberates general policy to be followed in international relations and domestic affairs. It may legislate by introducing Bills to Parliament, execute and carry out laws with ample discretionary powers, supervise the operations of all public departments and control the Armed Forces and the Police.

Each Minister heads a public department, according to preestablished law and, together with the Prime Minister, assumes responsibility in the general activities of the Government. Each Minister is also responsible for the correct functioning of the department under his authority.

Both the Prime Minister and the individual Ministers may be censured, by Parliament in joint session, if guilty of common offences. If such is the case, the Constitutional Court is the competent organ for judgment.

The Government is also authorized to issue regulations.

Regulations are examined by the Cabinet, submitted to the Council of State and then issued by the President of the

Republic in the form of Decrees. Such decrees are subject to control on the part of the State Auditor's Department which, if they are legitimate, is responsible for their registration. They are then entered in the Official Register and published in the *Gazzetta Ufficiale* (Official Gazette) according to normal procedure.

Individual State departments, local government and public bodies also have the right to issue regulations, limited to the specific competence of each.

The National Council of Economy and Labour, composed of experts and representatives drawn from productive sectors, is an advisory body that assists the Government, the Chamber of Deputies and the Senate, in matters pertaining to economy and labour. It has legislative powers and may contribute towards the drafting of economic and social legislation.

Jurisdictional powers are granted to the Judiciary which is responsible for the carrying out of civil and administrative justice. It settles controversies between private citizens, between private and public bodies, and between public departments. Its penal responsibilities concern the judgment of persons who have committed offences against established law.

The Judiciary is independent of all other power. Judges and Magistrates are subject only to law and are classified according to their particular functions and not according to their status. They enjoy privileges which guarantee that they may not be removed from office.

In Italy, the Courts are as follows:

(a) Civil Police Courts, Magistrates Court, Civil Courts, Courts of Appeal, Supreme Court of Cassation.

(b) Penal Magistrates Courts, Criminal Courts, Courts of Appeal, Courts of Assizes, Courts of Assizes (Appeals) and the Supreme Court of Cassation.

Attached to each court (with the exception of the normal Police Courts) is a **Public Prosecutor's Department**, consisting of officials responsible for undertaking penal action in cases foreseen by law. They also supervise the exact execution of the law on the part of the judges.

Military offences committed by members of the **Armed Forces** in peacetime are handled by the **Military Courts**.

The new Constitution has laid the foundations for a new body — the **Constitutional Court**. This is called upon to judge the constitutional legitimacy of laws (it exercises control over the legislative activities of Parliament), controversies arising from questions of competence between State and Region and between the Regions themselves, the President of the Republic (for treason or acts against the Constitution) and the Ministers (for offences committed in the exercise of their duties).

The Court is normally composed of fifteen members. One third is nominated by the President of the Republic, one third is elected by parliament in joint session and one third is drawn from members of the senior ranks of ordinary and administrative law (the Court of Cassation, the Council of State and the State Auditor's Department or Court of Accounts). Members elect their own President, hold office for a period of nine years and enjoy the immunity and guarantees established for Members of Parliament.

The State exercises direct authority through various departments and agencies, the central government is located in Rome while local government is established within the territorial boundaries of the Regions, Provinces and "Comuni".\*

Central and local government are divided into three categories: executive, advisory, supervisory.

\* The smallest administrative territory that includes towns, urban and rural districts.

The executive branch of central government is handled by the main departments, locally, the branches of these departments are responsible. The Ministries, as these departments are called in Italy, are divided according to their specific competence and controlled by a Minister who, apart from political activities, also exercises administrative powers. The Minister is assisted by an Under-Secretary of State who, however, is not permitted to attend meetings of the Cabinet.

Apart from the Presidency of the Council of Ministers, there are nineteen ministries, as follows: Foreign Affairs, Internal Affairs, Justice, Budget, Finance, Treasury, Defence, Public Instruction, Public Works, Agriculture and Forests, Transport, Posts and Telecommunications, Industry and Commerce, Labour and Welfare, Foreign Trade, Merchant Marine, State Participations, Public Health, Tourism and Public Entertainments.

There are many offices in local government which are all subject to the Ministries. Each provincial capital has a 'Prefettura', dependent upon the Ministry of the Interior, which is responsible for civil administration, police services and supervision of local, autonomous, public bodies. The Provincial Administrative Junta operates in conjunction with the 'Prefettura' and this organ, apart from administrative justice, also controls local public departments in conformity with the laws of the 'Comuni' and Provinces.

Local finance offices, also to be found in the provincial capitals, are subject directly to the ministries of Finance and the Treasury, and are responsible for the control of tax returns and payments, the custody and safeguarding of State property and the supervision of all financial activities within the Province.

\* At the head of the 'Prefettura' is the Prefect, high official and general representative of the government who exercises certain administrative control over local authorities.

The Provincial Office of Civil Engineers subject to the Ministry of Public Works, executes all public works, supervision of water supplies, etc. The Superintendent's Office of Public Works, in the regional capitals, has more extensive authority in similar fields.

The Superintendent's Office for Education, located in the Provinces, is responsible to the Ministry of Public Instruction and controls all educational activities. The Principals of provincial schools, local Inspectors and headmasters, all take instructions from this body.

Other offices of local government include the State Railways Area Departments dependent upon the Ministry of Transport, the Provincial Postal Departments, Military Garrison Commands, the Provincial Offices of the Inspectorate of Agriculture, the Provincial Labour Exchanges, the Roads and Highways Department and various others, all under the supervision of the competent ministries.

The Council of State and the "Avvocatura Generale dello Stato" \* are responsible for giving opinions and managing affairs in which the State is interested.

(a) The Council of State is located in Rome and has a twofold objective technical and administrative jurisdiction in matters of legitimate interest and, in certain cases, subjective powers.

(b) The "Avvocatura Generale dello Stato" is also responsible for technical and juridical opinions on all matters of State administration. It represents, defends and assists the various Government departments, when these are involved in litigation, and all employees or officials cited for reasons connected with their duties.

\* This is a body whose functions are to assist the State as advisors and advocates.



Branch offices are to be found attached to every Court of Appeal (District Offices) but the main department is in Rome from where all local affairs are controlled

Apart from these two advisory bodies, there are several others that are concerned with specific branches of Government

These are the Senior Council for Public Works, the Senior Council for Public Instruction, the Council for Diplomatic Affairs (*Servizio del Contenzioso Diplomatico*), etc

All those organs that control general administration are to be found in Rome, as also the State Auditor's Department which is divided into three sections, one exercising supervisory functions and the other two jurisdictional authority

Control on the part of the State Auditor's Department takes two forms. The first consists of registration of all Presidential Decrees and all other decrees that concern State expenditure. Should the Department consider that such expenditure has no legitimate foundation, it may refuse registration of the decree concerned, which can then no longer be executed

The second form of control is of an accounting nature and concerns those persons who, in one way or another, have handled public money. If the Department finds no fault, it issues a decree clearing the person concerned, but if there are irregularities that can be proved, it orders repayment

Judges belonging to this Department may not be removed from office

The State exercises administration also through independent public bodies which are only subject to controls as to the legitimacy of their activities or, at times, the advisability of their decisions

Such bodies have competence within prescribed territorial boundaries, power to issue regulations, and authority to decide on their own interests. The constitutional and administrative structure in Italy considers such bodies under the category of

(a) Regional government, possessing ample freedom in administrative and normative matters and legislative powers in certain specific cases

There are 20 Regions in Italy, including those with special Statutes (Trentino Alto Adige, Friuli Venetia Julia, Val d Aosta, Sicily and Sardinia) which are governed through the Regional Council, the Regional Junta and the President of the Regional Junta

The regional capital is the seat of government

The Regional Council is elected by persons living in the Region. The Junta is elected by the Council from among its own members, as also the President who also represents the Region

The Region may impose taxes, employ its own officials and possess real estate

(b) Provincial government also has administrative and normative powers within its territorial limits. Responsibilities include repair and maintenance of roads, the equipping of premises used for technical instruction, assistance to mental patients, public charity, etc. In order to meet its statutory obligations, the Province may impose taxes on certain activities

Provincial government is exercised through the Provincial Council, the Provincial Junta and the President of the Provincial Junta. The Council is elected by persons living in the province, the Junta is elected by the Council from among its own members, as also the President

(c) Town government, which enjoys administrative autonomy and has powers to issue regulations. Its responsibilities are of a multiple nature and particularly concern public assistance, repair and maintenance of roads, the equipping of premises for elementary education, etc. It may impose taxes in order to cover expenditure.

Government is exercised through the Town Council, the Junta and the Mayor. The Council is elected by persons living within the "Comune", while the Junta and the Mayor are elected from among members of the Council itself. The Mayor represents the "Comune".

All acts of public administration must conform to the law and to public interest. It may happen, however, that such is not the case and the necessary requisites may be lacking for reasons of illegitimacy or otherwise. The private citizen, affected by this, may take direct and individual action to see that any such violation is corrected and his interests restored, and he may call for payment of compensation in respect of any damage incurred.

From a jurisdictional viewpoint, the Council of State is the chief body dealing with administrative justice. It is authorised to judge upon, and exercise control over, all questions of legitimacy. Should the Council recognise that the interests of the public have been violated it annuls the act against which appeal has been made and such decision must be respected.

Appeals against any decision taken by the Council of State may only be addressed to the Joint Council of the Supreme Court of Cassation.

In the provinces, the Provincial Administrative Junta is the competent organ in matters of administrative justice. It may judge on appeals against rulings taken by public bodies within the provincial boundaries (province, "Comuni",

public charity and assistance organisations, etc.), indirect appeals against decision taken by the Junta may be addressed to the Council of State

The Judiciary is competent to judge cases concerning payment of damages arising from certain acts on the part of public administration. If violation of rights is established, the Judiciary may sentence the authorities to payment of a sum that fairly covers the damages incurred

Two more specific jurisdictional bodies are responsible for control over finance and local government—the Council of the “*Prefettura*”, with power limited to the Provincial boundaries and directly concerning local public bodies, and the State Auditor’s Department or Court of Accounts, which has jurisdiction over the entire country. The Department is also competent to judge appeals concerning payment of civil and military pensions and those arising from labour relations with Civil Servants

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## 2

# THE CONSTITUTION OF ITALY

## THE PROVISIONAL HEAD OF THE STATE

**B**y virtue of the decision of the Constituent Assembly which, on December 22, 1947, approved the Constitution of the Italian Republic and,

In consideration of the XVIII Final Provisions,

Proclaims

the Constitution of the Republic of Italy as follows

## BASIC PRINCIPLES

### Art 1

Italy is a democratic Republic founded on labour

Sovereignty belongs to the people who exercise it in the manner and within the limits laid down by the Constitution

## Art 2

The Republic recognizes and guarantees the inviolable rights of man, both as an individual and as a member of the social groups in which his personality finds expression, and imposes the performance of unalterable duties of a political, economic and social nature

## Art 3

All citizens are invested with equal social status and are equal before the law, without distinction as to sex, race, language, religion, political opinions and personal or social conditions

It is the responsibility of the Republic to remove all obstacles of an economic and social nature which, by limiting the freedom and equality of citizens, prevent the full development of the individual and the participation of all workers in the political, economic and social organization of the country

## Art 4

The Republic recognizes the right of all citizens to work and promotes such conditions as will make this right effective

Every citizen shall undertake, according to his possibilities and his own choice, an activity or a function contributing to the material and moral progress of society

## Art 5

The Republic, which is one and indivisible, recognizes and promotes local autonomy, it applies the fullest measure of administrative decentralization in services dependent on the State and adjusts the principles and methods of its legislation to the requirements of autonomy and decentralization

## Art 6

The Republic safeguards linguistic minorities by means of special provisions

### Art 7

The State and the Catholic Church are, each within its own ambit, independent and sovereign

Their relations are regulated by the Lateran Pacts  
Such amendments to these Pacts as are accepted by both parties do not require any procedure of Constitutional revision\*

### Art 8

All religious denominations are equally free before the law

Religious denominations other than Catholic are entitled to organize themselves according to their own creed provided that they are not in conflict with Italian juridical organization

Their relations with the State are regulated by law on the basis of agreements with their respective representatives

### Art 9

The Republic promotes the development of scholarship and scientific and technical research

It safeguards the natural beauties and the historical and artistic wealth of Italy

### Art 10

Italy's legal system conforms with the generally recognized principles of international law

The legal status of foreigners is regulated by law in conformity with international rules and treaties

A foreigner to whom the practical exercise in his own country of democratic freedoms, guaranteed by the Italian

\* By virtue of this Article Italy recognizes the constitutional status of the Lateran Pacts, consisting of the Treaty, the Concordat and the Financial Agreement. Only modifications agreed upon between the Holy See and the Italian Government may be approved by Parliament with ordinary law. Eventual unilateral changes made by Italy must be approved in a constitutional law

Constitution, is precluded, is entitled to the right of asylum within the territory of the Republic, under conditions laid down by law

The extradition of a foreigner for political offences is not admitted\*

## Art 11

Italy condemns war as an instrument of aggression against the liberties of other peoples and as a means for settling international controversies, it agrees, on conditions of equality with other states, to such limitation of sovereignty as may be necessary for a system calculated to ensure peace and justice between Nations it promotes and encourages international organizations having such ends in view

## Art 12

The flag of the Republic consists of three vertical bands of equal dimensions coloured green, white and red, respectively

## PART ONE

### RIGHTS AND DUTIES OF PRIVATE CITIZENS

#### *Title I*

#### CIVIL RELATIONS

## Art 13

Personal liberty is inviolable

No form of personal detention, inspection or search is permitted, nor other restrictions on personal liberty save by order of the judicial authority for which the motive must be stated, and then only in such cases and manner as the law provides

\* In relation to Constitutional Law No 1 of June 21 1967, which establishes The last paragraph of Art 10 and the last paragraph of Art 26 of the Constitution shall not be applied to crimes of genocide



In exceptional cases of necessity and urgency, strictly defined by law, the police authorities may carry out provisional measures, which must be communicated within 48 hours to the judicial authorities and which, if the latter do not ratify them within the next 48 hours, are thereby revoked and declared null and void

All acts of physical and moral violence on persons subjected limitations of freedom are punished

The law lays down the maximum period of preventive detention

#### Art 14

Personal domicile is inviolable

Inspection, search and distraint may not be carried out save in case and in the manner laid down by law in conformity with guarantees prescribed for safeguarding personal freedom

Special laws regulate verifications and inspections for reasons of public health and safety, or for economic and fiscal purposes

#### Art 15

The liberty and secrecy of correspondence and of every form of communication are inviolable

Limitations upon them may only be enforced by decision, for which motives must be given, of the judicial authorities with the guarantees laid down by law

#### Art 16

Every citizen has the right to reside and travel freely in any part of the metropolitan territory, save for such limitations as the laws may prescribe in a general way for reasons of health or security. No restrictions may be prescribed for political reasons

Every citizen is free to leave the territory of the Republic and re enter it, save for such obligations as are laid down by law\*

#### Art 17

Citizens are entitled to hold meetings peaceably and unarmed

No previous notice is required for meetings in places to which the public has access

For meetings in public thoroughfares previous notice must be communicated to the authorities, who may forbid them only for well established reasons of security or public safety

#### Art 18

Citizens are entitled to form associations without authorization for reasons not forbidden to individuals by criminal law

Secret associations and those which pursue political aims, even indirectly, by means of organizations of a military character, are forbidden

#### Art 19

All are entitled to freely profess their religious convictions in any form, individually or in associations, to propagate them and to celebrate them in public or in private, save in the case of rites contrary to morality

#### Art 20

The religious character and the religious or confessional aims of an association or institution shall not involve special legal limitations or special fiscal burdens for its constitution, legal status or any of its activities

\* Military Service and payment of taxes and duties are compulsory by law

## Art 21

All are entitled freely to express their thoughts by word of mouth, in writing, and by all other means of communication.

The press may not be subjected to any authority or censorship

Distrant is allowed only by order of the judicial authorities, for which motives must be given, in the case of offences definitely laid down by the press law, or in the case of violation of the provisions which the said law prescribes for identifying responsible parties

*In such cases, under conditions of absolute urgency and when the immediate intervention of the judicial authorities is not possible, distraint may be applied to the periodical press by officers of the judicial police, who shall communicate the matter to the judicial authorities within 24 hours. If the said judicial authorities do not ratify the measure within the next 24 hours the distraint is withdrawn and is null and void*

The law may prescribe, by means of provisions of a general nature, that the financial sources of a periodical publication be made known

Printed publications, performances and all other manifestations contrary to morality are forbidden

The law lays down proper provisions for preventing and repressing all violations

## Art 22

No one may be deprived of his legal status, his citizenship, or his name for political reasons

## Art 23

No personal service or payment may be forced on anyone, save according to law

#### Art 24

All are entitled to institute legal proceedings for the protection of their own rights and legitimate interests

Defence is an inalienable right at every stage of legal proceedings

The indigent are entitled, through special provisions to proper means for action or defence at all levels of jurisdiction

The law lays down the conditions and methods for obtaining reparation for judicial errors

#### Art 25

No one may avoid proceedings resulting from offences against legislation in force

No one may be punished save on the basis of a law which has come into force before the offence has been committed

No one may be subjected to security measures save in such cases as are laid down by law

#### Art 26

The extradition of a citizen is permitted only in cases expressly provided for in international conventions

Extradition shall never be permitted for political offences

#### Art 27

Criminal responsibility is personal

The person accused is not considered guilty until final sentence has been passed upon him

Punishment must not consist of measures contrary to humane precepts and shall aim at reforming the person upon whom sentence is passed

The death penalty is not admitted save in cases specified by military laws in time of war

Art 28

Officials and employees of the State and of public bodies are directly responsible, according to the criminal, civil and administrative laws, for acts committed in violation of rights. In such cases, civil responsibility extends to the State and to public bodies.

*Title II*

ETHICAL AND SOCIAL RELATIONS

Art 29

The State recognizes the family as a natural association founded on marriage.

Marriage is based on the moral and legal equality of husband and wife, within the limits laid down by the laws for ensuring family unity.

Art 30

It is the duty and right of parents to support, instruct and educate their children, even those born out of wedlock.

Should the parents prove incapable, the law states the way in which these duties shall be fulfilled.

The law ensures full legal and social protection for children born out of wedlock consistent with the rights of the members of the legitimate family.

The law lays down rules and limitations for ascertaining paternity.

Art 31

The Republic facilitates, by means of economic and other provisions, the formation of the family and the fulfilment of the tasks connected therewith, with particular consideration for large families.

It safeguards maternity, infancy and youth, promoting and encouraging institutions necessary for such purposes.

### Art 32

The Republic provides health safeguards as a basic right of the individual and in the interests of the community, and grants medical assistance to the indigent free of charge

No one may be forced to undergo any particular medical treatment, save under the provisions of the law. In no case shall the law violate the limits imposed by proper respect for the human person

### Art 33

The freedom of art and science and freedom of instruction in them is affirmed

The Republic lays down general rules for education and establishes public schools of all kinds and grades

Organizations and private citizens are entitled to found schools and educational institutions which do not involve charges on the State

The law, in laying down the rights and obligations of private schools which apply for official recognition, must ensure for them full liberty and for their pupils conditions equivalent to those of the public schools

State examinations are prescribed for admission to the various types and grades of schools, or on the conclusion of educational courses, and for securing diplomas and certificates entitling candidates to exercise a profession or trade

Institutions of higher learning, universities and academies have the right to draft their own regulations within the limits laid down by State legislation

### Art 34

Education is available to everyone

Elementary education, imparted for at least eight years, is compulsory and free

Capable and deserving pupils, even if without financial resources, are entitled to attain the highest grades of learning

The Republic gives effect to this privilege by means of scholarships, of contributions to the families of the pupils, and other provisions, to be obtained by competitive examination

### *Title III*

## ECONOMIC RELATIONS

### Art 35

The Republic safeguards labour in all its forms and methods of execution

It provides for the professional or vocational training and advancement of workers

It promotes and encourages international agreements, and organizations calculated to confirm and regulate the rights of labour

It admits freedom to emigrate, save for such limitations as are prescribed by law in the general interests, and for the protection of Italian labour abroad

### Art 36

An employed person is entitled to wages in proportion to the quantity and quality of his work, and in any case sufficient to provide him and his family with a free and dignified existence

The maximum number of hours of work per day is fixed by law

An employed person is entitled to a weekly day of rest and to annual holidays with pay he cannot renounce this right

### Art 37

Female labour enjoys equal rights and the same wages for the same work as male labour Conditions of work must make it possible for them to fulfil their essential family duties and provide for the adequate protection of mothers and children

The law prescribes the minimum age for paid labour \*

The Republic prescribes special measures for safeguarding juvenile labour and guarantees equal pay for equal work

#### Art 38

Every private citizen unable to work and unprovided with the resources necessary for existence is entitled to private and social assistance

Workers are entitled to adequate insurance for their requirements in case of accident, illness, disability, old age, and involuntary unemployment

The disabled and persons incapable of employment are entitled to education and vocational training.

The responsibilities laid down in this Article are entrusted to organs and institutions provided or assisted by the State

The freedom of private assistance is affirmed

#### Art 39

Freedom in the organization of trades unions is affirmed.

No compulsion may be imposed on trades unions except that of registering at local or central offices according to the provisions of the law

A condition of registration is that the statutes of the unions sanction an internal organization on a democratic basis

Registered trades unions have a legal status. They may, being represented in proportion to the number of their registered members, negotiate collective labour agreements having compulsory value for all persons belonging to the categories to which the said agreements refer

\* Age limits in Italy are subject to the conditions laid down in the Washington (1919) and Geneva (1937) agreements which generally establish that fourteen years is the minimum age for entry to paid employment



## Art 40

The right to strike is exercised within the sphere of the laws concerning the subject\*

## Art 41

Private economic enterprise is open to all

It cannot, however, be applied in such a manner as to be in conflict with social utility or when it is prejudicial to security, freedom and human dignity

The law prescribes such planning and controls as may be advisable for directing and coordinating public and private economic activities towards social objectives

## Art 42

Ownership is public or private Economic commodities belong to the State, to public bodies or to private persons

Private ownership is recognized and guaranteed by laws which prescribe the manner in which it may be acquired and enjoyed and its limitations, with the object of ensuring its social function and of rendering it accessible to all

Private property, in such cases as are prescribed by law and with provisions for compensation, may be expropriated in the general interest\*\*

The law lays down the rules and limitations of legitimate and testamentary inheritance and the rights of the State in relation to same

\* Such a right must be governed by law which can also limit it Although the right to strike is recognized the Constitution does not permit lock outs

\*\* Article 29 of the Charles Albert Statute established "All property without exception, is inviolable" and permitted expropriation only in the public interest The republican Constitution on the other hand recognizes and guarantees private property but authorizes ordinary legislation to be passed concerning methods of acquirement enjoyments and the limits to be applied in order to guarantee its social function and to make it accessible to all

## Art 43

For purposes of general utility the law may reserve in the first instance or transfer, by means of expropriation and payment of compensation, to the State, to public bodies or to labour or consumer communities, certain undertakings or categories of undertakings operating essential public services, sources of power or exercising monopolies and invested primarily with a character of general interest \*

## Art 44

With the object of securing a rational utilization of the soil and of establishing equitable and rational social relations, the law imposes obligations on, and limitations to, private landed ownership, fixes limits to its extent which vary in the different parts of the country and according to diverse agricultural areas, encourages and imposes land reclamation, the transformation of large estates and the institution of productive units, and assists small and medium sized holdings

The law prescribes measures in favour of mountainous areas

## Art 45

The Republic recognizes the social function of cooperation on a basis of reciprocity and devoid of any private speculative aim. The law promotes and encourages such cooperation with suitable provisions and through proper controls ensures its character and objectives

The law guarantees and provides for the development of artisan trades

## Art 46

With a view to the economic and social progress of labour and in conformity with the requirements of produ-

\* This permits nationalization and take over of certain enterprise handling essential public service sources of energy and monopolies that are of such importance that they are indispensable to national economy

tion, the Republic recognizes the rights of workers to participate in management in the manner and within the limits prescribed by law

### Art 47

The Republic encourages and safeguards savings in all its aspects and supervises coordinates and controls the issuing of credit.

It encourages the investment of private savings in the purchase of homes or holdings directly farmed by the owners, and direct or indirect investment in large productive enterprise

## Title IV

### POLITICAL RELATIONS

#### Art 48

All private citizens, male or female, who are of age, are entitled to vote

Votes are personal, equal, free and secret To vote is a civic duty

The right to vote may not be limited save on account of civil incapacity or in consequence of an irrevocable penal sentence, or in cases of moral unworthiness established by law \*

#### Art 49

All citizens have the right to freely form parties in order to contribute by democratic means to national policy \*\*

\* Apart from the above limitations to the right to vote, the Constitution refers to another two that are contained in the Transitory Provisions No XII and XIII

\*\* Article XII of the Transitory Provisions however, forbids the reorganization of the Fascist Party under any form

### Art 50

All citizens may submit petitions to Parliament demanding legislative measures or setting forth general needs

### Art 51

All citizens of either sex are eligible for public office and for elective positions on conditions of equality, according to the requisites established by law \*

The law may place Italians who do not belong to the Republic on a par with resident citizens in the matter of admission to public office and elective positions

Any person called upon to occupy an elective office has the right to claim the time necessary for the fulfilment of such duties without being deprived of his employment

### Art 52

The defence of the country is a moral duty of every citizen

Military service is compulsory, within the limits and in the manner laid down by law. The fulfilment of military duty shall not prejudice the employment of the person concerned, nor the exercise of his political rights

The organization of the Armed Forces is based on the democratic principles of the Republic

### Art 53

Everyone shall contribute to public expenditure in proportion to his resources

Fiscal levies shall be on a progressive scale

\* The law may extend this right to persons who are Italian from an ethical viewpoint but who are not citizens of the Republic

Art 54

All citizens have the duty of fealty to the Republic and shall respect the Constitution and the laws

Citizens to whom public functions are entrusted shall execute them in a disciplined and honourable manner swearing an oath to fulfil such conditions in those cases prescribed by law

PART TWO

ORGANIZATION OF THE REPUBLIC

*Title I*

PARLIAMENT

Section I—*The Two Chambers*

Art 55

Parliament consists of the Chamber of Deputies and the Senate of the Republic

Parliament holds joint meetings of members of the Chamber of Deputies and the Senate only in cases laid down by the Constitution

Art 56 \*

The Chamber of Deputies is elected by universal and direct suffrage, and is composed of six hundred and thirty Members

All persons who have reached the age of twenty five years on the day of the elections are eligible for membership

Division of seats among the constituencies is obtained by dividing the number of inhabitants registered at the last census by six hundred and thirty and distributing the said seats in proportion to the population of each constituency, on the basis of the quotients and the highest figures below these quotients

\* Amended under Constitutional Law No 2 Article 1 of February 9 1963

### Art 57 \*

The Senate of the Republic is elected on a regional basis

Senators number three hundred and fifteen. No region may have less than seven Senators but Molise is attributed two and Valle d'Aosta one. Division of seats among the Regions, on the basis of the terms set out above, is made according to the proportion of the population of the Regions at the last census, with quotients and the highest figures below these quotients

### Art 58

Senators are elected by direct universal suffrage by voters over twenty five years of age

Voters over forty years of age are eligible for election to the Senate

### Art 59

Any person who has held office as President of the Republic is by right a Senator for Life, unless he refuses to accept the nomination

The President of the Republic may nominate, as Senators for Life five citizens, who have brought honour to the Nation through their exceptional merits in social, scientific, artistic and literary fields

\* Amended under Constitutional Law, No 2, Article 2, of February 9, 1963

*The first General Elections for the Chamber of Deputies and the Senate were held on April 18, 1948 in accordance with the norms contained in Law No 6 of January 20, 1948 and Presidential Decree No 23 of February 5, 1948. These stated that Members of the Chamber of Deputies should number 574 to be elected under the proportional system*

*The first General Elections for the Senate were held in accordance with the norms contained in Law No 29 of Feb 6 1948*

## Art 60

The Chamber of Deputies and the Senate are elected for a period of five years

The term of each Chamber may not be extended save by law and only in the event of war \*

## Art 61

Election of the new Chambers must take place within seventy days of the dissolution of the preceding Parliament. The first sitting must be held not later than twenty days after the elections

The powers of the preceding Chambers shall continue until the newly elected Parliament shall meet

## Art 62

The Chambers shall meet on the first day of February and October which is not a holiday

Each Chamber may be convened in extraordinary session on the initiative of its Speaker or of the President of the Republic or of one third of its members

When one Chamber is called upon to meet in extraordinary session, the other Chamber is also convened *ipso jure*

## Art 63

Each Chamber elects its Speaker and the members of the Speaker's Office from among its own members

The Speaker of the Chamber of Deputies and members of the Speaker's Office shall preside whenever Parliament meets in joint session \*\*

\* Amendment under Constitutional Law No 2 Article 3 of February 9 1963

\*\* The Constituent Assembly made this decision because the Speaker of the Senate acts on behalf of the President of the Republic whenever the latter is unable to carry out the duties assigned to him (Art. 80)

### Art 64

Each Chamber drafts its own Standing Orders by an absolute majority of its members

Sittings are open to the public, nevertheless each of the two Chambers and Parliament in joint session may decide to assemble in private

The decisions of each Chamber and of Parliament are not valid unless the majority of the members are present, and unless they are voted by a majority of the members present, save where the Constitution provides for a special majority

Members of the Government, even if they are not members of the Chambers, are entitled to attend meetings and are obliged to be present if called upon. They have a right to be heard whenever they request this right

### Art 65

The law determines cases of ineligibility or incompatibility with the position of Deputy or Senator \*

No person may be a member of both Chambers at the same time

### Art 66

Each Chamber decides as to the validity of the admission of its own members and as to cases subsequently arising concerning ineligibility and incompatibility

### Art 67

Each Member of Parliament represents the Nation and carries out his duties without restraint of mandate

\* Basic law on the election of the Chamber of Deputies (Presidential Decree No 29 of February 6 1948) under Articles 6 7 8 and 93 and the law on the election of the Senate (Law No 29 of February 6 1948) under Article 5 deal with all cases of ineligibility for the first general elections



## Art 68

Members of Parliament may not be proceeded against for opinions expressed or votes given in the exercise of their duties

No member of Parliament may, without the authority of the Chamber to which he belongs, be subjected to criminal proceedings, nor be arrested or otherwise deprived of his personal liberty, nor subjected to search warrants on his person or in his home unless he be caught in the act of committing an offence for which an order of arrest is compulsory

A similar authority is required to arrest or keep in a state of detention a member of Parliament in the execution of a sentence even if it be irrevocable

## Art 69

Members of Parliament receive an allowance as laid down by law

## Section II—*The Drafting of Laws*

### Art 70

Legislative duties are carried out jointly by the two Chambers \*

### Art 71

Legislative initiative pertains to the Government, to each member of the two Chambers, and to those organs and bodies on whom it is conferred by Constitutional law \*\*

The people exercise initiative in legislation through the proposal, supported by not less than 50,000 voters, of a Bill drafted in the form of articles

\* The President of the Republic has no part in legislative functions Under the Charles Albert Statute (Article 7) such authority was vested in the King who retained powers of approval

\*\* For example the National Council of Economy and Labour (Article 99) and regional government (Article 121)

## Art 72

Every Bill submitted to one of the Chambers is, according to the Standing Orders, examined by a Committee and then by the Chamber itself which approves it, article by article, and subsequently with a final vote. The Standing Orders provide an abbreviated procedure for Bills declared to be urgent

They also lay down in what cases and in what manner the examination and approval of Bills shall be submitted to committees, including Standing Committees so composed as to reflect the various proportions of the Parliamentary groups. Furthermore, in such cases, a Bill, until it is finally voted upon, is submitted to the Chamber, if the Government or one tenth of the members of the Chamber or one fifth of the Committee demand that it be debated and voted on by the Chamber itself or submitted to the latter for its final approval with a nominal vote. The Standing Orders decide as to the way in which the work of the Committees shall be divulged

The normal procedure for the debating and voting of Bills by the Chamber is always applied in the case of Bills of a constitutional and electoral nature and for those delegating legislative power, for authority to ratify international treaties, and for voting on budgets and rectified budgets

## Art 73

Laws are promulgated by the President of the Republic within a month of their having been voted

If the two Chambers, each with an absolute majority among its own members, declare a Bill to be urgent, it is promulgated with the time laid down in the Bill itself

Laws are published immediately after they have been promulgated and come into force on the fifteenth day after their publication, unless the laws themselves provided otherwise

## Art 74

The President of the Republic, before promulgating a law, may request further discussion by means of a message to both Chambers in which the reasons for such action are set forth\*

If the Chambers vote the Bill once more, the law must be promulgated

## Art 75

A popular Referendum is held to decide on the total or partial repeal of a law or of a measure having force of law if it is demanded by 500,000 voters or by five Regional Councils

Referenda are not allowed in the case of fiscal or budget laws, amnesties or pardons, or laws authorizing the ratification of international treaties

All citizens entitled to vote for the election of members of the Chamber of Deputies are entitled to take part in a Referendum

The proposal submitted to Referendum is approved if the majority of those eligible have participated in the voting, and if it has received a majority of valid votes

The methods for carrying out a referendum are laid down by law \*\*

## Art 76

The exercise of legislative functions may not be delegated to the Government save by the laying down of principles and criteria and only for a limited period of time and for definite objects

\* The law, therefore cannot be brought into force. However if the Chambers again give it a majority vote the President of the Republic must promulgate it

\*\* Normal laws on this question are being discussed by Parliament

### Art 77

The Government may not, unless properly delegated by the Chambers, issue decrees having the value of ordinary laws

When, in exceptional cases of necessity and urgency, the Government issues, on its own responsibility, provisional measures having force of law, it shall on the same day submit them for conversion into law to the Chambers which, even if they have been dissolved, are expressly summoned for that purpose and shall meet within five days

Decrees lose effect as of the date of issue if they are not converted into law within sixty days of their publication. The Chambers may, however, approve laws to regulate legal questions arising out of decrees not yet converted into law

### Art 78

The Chambers declare a state of war and confer the necessary powers on the Government\*

### Art 79

The right of amnesty and indult are granted by the President of the Republic, on the basis of laws enacted by the Chambers delegating such power\*\*

Amnesty and indult are not applicable in the case of offences committed subsequent to the proposal for delegating such authority

### Art 80

The Chambers authorize, by law, ratification of international treaties of a political nature, or which provide for arbitration or judicial regulation, or imply modifications to the nation's territory or financial burdens, or to laws

\* A declaration of war is made by the President of the Republic (Art 87)

\*\* Authority to grant pardons is vested exclusively in the President of the Republic

### Art 81

The Chambers vote the budgets and the audited accounts submitted by the Government each year

The right to execute the provisional budget may not be granted save by law and for periods of not over four months

No new taxes or new expenditure can be established by the law approving the budget

In all other laws implying new or additional expenditure the means for covering it must be set forth

### Art 82

Each Chamber may order inquiries into matters of public interest

To this end it appoints a Committee of its own members so composed as to represent the proportions of the various political groups. The Committee of Enquiry carries out its investigations and examination with the same powers and the same limitations as the judicial authorities

## *Title II*

## THE PRESIDENT OF THE REPUBLIC

### Art 83

The President of the Republic is elected by Parliament during a joint session of both Chambers

Three delegates from every Region, elected by the Regional Council in such a manner as to ensure the representation of minorities take part in the election

The Valle d'Aosta is represented by only one delegate

Presidential elections take place by secret ballot with a majority of two thirds of the Assembly. After the third ballot an absolute majority is sufficient

### Art 84

Any citizen of fifty years of age enjoying civil and political rights is eligible for election as President of the Republic

The office of President of the Republic is incompatible with any other office

The allowances and endowments of the President are established by law

#### Art 85

The Presidential term shall be seven years

Thirty days before the term lapses the Speaker of the Chamber of Deputies summons Parliament in joint session together with the Regional delegates to elect the new President of the Republic

If Parliament has been dissolved or is to be dissolved within three months the election is held within fifteen days of the meeting of the new Chambers In the interval, the powers of the existing President are prolonged

#### Art 86

Should the President prove to be unable to fulfil his duties, they shall be carried out by the Speaker of the Senate

In case of permanent incapacity or death or resignation of the President of the Republic, the Speaker of the Chamber of Deputies provides for the election of a new President of the Republic within fifteen days, unless a longer period be foreseen because the Chambers are to be dissolved or because their term has less than three months to expire

#### Art 87

The President of the Republic is the Head of the State and represents the unity of the Nation

He may send messages to Parliament

He provides for the election of a new Parliament and authorizes the date of its first meeting

He authorizes the submission to Parliament of Bills moved by the Government

He promulgates laws and issues decrees having the value of laws and regulations

He provides for a referendum in such cases as are laid down in the Constitution

He appoints, in the cases laid down by the law, the officials of the State

He accredits and receives diplomatic representatives and ratifies international treaties, provided they be authorized by Parliament whenever such authorization is necessary

He commands the Armed Forces, presides over the Supreme Defence Council as constituted by law, and declares a state of war when it has been decided by Parliament

He presides over the "Coosiglio Superiore della Magistratura" \*

He may grant pardons and commute court sentences

He confers the honours of the Republic

#### Art 88

The President of the Republic may dissolve one or both Chambers after consultation with their Speakers

He may not exercise this right during the last six months of his term of office

#### Art 89

No act of the President is legal unless it is countersigned by the Ministers who have submitted it and accept his responsibility

Measures having the value of law and such others as are laid down by law shall also be countersigned by the President of the Council of Ministers (Prime Minister)

#### Art 90

The President of the Republic cannot be held responsible for acts carried out in the exercise of his duties, save in cases of high treason or breaches of the Constitution

\* Senior Council of the Judiciary

### Art 91

Before taking office the President of the Republic shall swear an oath of loyalty to the Republic and to the Constitution before Parliament in joint session

### *Title III*

## THE GOVERNMENT

### Section I—*The Council of Ministers*

### Art 92

The Government of the Republic consists of the President of the Council and of the Ministers jointly constituting the Council of Ministers

The President of the Republic appoints the President of the Council and the Ministers who are proposed\*

### Art 93

Before assuming office the President of the Council and the Ministers shall be sworn in before the President of the Republic

### Art 94

The Government must enjoy the confidence of the two Chambers

Each Chamber grants or refuses its confidence by a motion in which it gives its reasons and which is submitted to a nominal vote.

Within ten days of its formation, the Government shall present its programme to Parliament to obtain its vote of confidence

\* Executive power is represented by the Government in the form of the Council of Ministers a body composed of the President of the Council and the Ministers which is responsible for political and administrative leadership

The President of the Council has the right to choose his immediate collaborators that is the Ministers and on his proposal they are appointed by the President of the Republic



The contrary vote of one or of both Chambers on a Government proposal does not necessitate resignation

A vote of no confidence must be signed by at least one tenth of the members of the Chamber and can only be debated three days after it has been submitted

#### Art 95

The President of the Council conducts, and is responsible for, the general policy of the Government. He maintains unity in general political and administrative policy, and promotes and coordinates the activities of the Ministers.

Ministers are jointly responsible for the decisions of the Cabinet as a whole, and individually for those of their own particular departments.

The law contemplates regulations concerning the Presidency of the Council of Ministers and establishes the number, responsibilities and organization of the various Ministries.

#### Art 96

The President of the Council and the Ministers may be impeached by Parliament in joint session for offences committed in the exercise of their duties\*.

### Section II—*Public Administration*

#### Art 97

Public departments are organized according to the provisions of the law, so that proper conduct and impartiality of administration shall be guaranteed.

The competence, duties and responsibilities of public officials are laid down in regulations on public departments.

\* They are summoned before the Constitutional Court (Article 134). In the event of offences committed outside the sphere of their duties they are subject to ordinary penal and civil law except in cases of immunity granted them as Members of Parliament.

Appointments in the public administration are secured by competitive entry, unless otherwise laid down by law

### Art 98

Public officials are exclusively at the service of the Nation.

If they are members of Parliament they cannot be promoted save by seniority

Limitations to the right of registering as members of political parties may be laid down by law for members of the Judiciary, members of the fighting services on active duty, police officials and agents, and diplomatic and consular representatives abroad

## Section III—*Auxiliary Bodies*

### Art 99

The National Council of Economy and Labour is composed, according to the provisions of the law, of experts and representatives of productive branches, in such a manner that their numerical importance and their qualifications are properly taken into consideration

It is an advisory organ to Parliament and to the Government for such questions and duties as are attributed to it by law

It has the right to promote legislation and may contribute to the drafting of economic and social laws according to the principles, and within the limits laid down by law

### Art 100

The Council of State is an advisory organ on judicial administrative matters and ensures legality of public administration

The Court of Accounts (State Auditor's Department) exercises a form of preventive control on the legitimacy of Government measures and of subsequent control on the

management of the budget. It takes part, in the cases and in the manner laid down by law, in the control of the financial management of those bodies to which the State normally contributes. It reports directly to parliament on the results of the audit so executed.

The law ensures the independence of these two organs and of their members vis-à-vis of the Government.

#### *Title IV*

### THE JUDICIARY

#### Section I—*Jurisdictional Organization*

##### Art. 101

Justice is administered in the name of the people.

The judges are subject only to the laws.\*

##### Art. 102

The duties of the judiciary are carried out by permanent judges appointed and governed according to the provisions laid down in regulations on legal structure.

No special judges may be appointed, but specialized sections may be set up and attached to the normal judicial organs for dealing with specific matters, and properly qualified citizens who are not members of the judiciary may participate.

The law lays down the reasons and the manner in which private persons participate directly in the administration of Justice.

\* This paragraph stresses the independence of the judiciary of any public body or power or any authority within the ambit of the structure of law which is based on a diversity of responsibilities and not grade (Article 107). It is interesting to compare this article with Article 68 of the Charles Albert Statute which says "Justice is in the hands of the King and is administered through his magistrates and judges whom he will appoint."

### Art 103

The Council of State and other bodies concerned with administrative justice safeguard the legitimate interests of public administration and even those subjective rights that are foreseen by law

The Court of Accounts (State Auditor's Department) has jurisdiction over matters of public accounts and such other questions as are specified by law

Military tribunals in war time have jurisdiction as authorized by law. In peace time their jurisdiction is limited to military offences committed by members of the Armed Services

### Art 104

The Judiciary is an independent structure and is not subject to any other authority

The President of the Republic is Chairman of the "Consiglio Superiore della Magistratura"

The senior judge and the Public Prosecutor of the Court of Cassation (Supreme Court of Appeal) are *ipso jure* members of it

Of the other members, two-thirds are elected by all regular judges of different categories, and one third by Parliament in joint session, selection being made among professors of law faculties and lawyers of at least fifteen years standing

The Council elects an Assistant Chairman from among the members chosen by Parliament

The elected members hold office for four years and are not immediately re-eligible

While they are in office they may not be registered on the Rolls of the legal profession, nor be members either of Parliament or of a Regional Council

### Art 105

According to regulations, the "Consiglio Superiore della Magistratura" is entrusted with the appointment, assignment, transfer, promotion and disciplinary measures concerning the judges

### Art 106

Entry to the judiciary is by competitive examination.

According to the regulations, honorary magistrates may be appointed, even by election, to perform all the duties attributed to individual judges

On the proposal of the "Consiglio Superiore della Magistratura", professors of law and lawyers of at least fifteen years standing and registered in the special Rolls entitling them to practise in the senior courts may be appointed Councillors of the Supreme Court of Cassation for exceptional merits

### Art 107

Judges cannot be removed from office. They may not be dismissed or suspended from their duties, nor transferred to other courts or duties, save by a decision of the "Consiglio Superiore della Magistratura" taken for reasons and with guarantees for their defence laid down by regulations or with their own consent

The Minister of Justice is entitled to undertake disciplinary action

Judges differ from one another only on account of their different functions

The Public Prosecutor is safeguarded by the guarantees laid down in the regulations

### Art 108

The rules governing legal structure and every judicial office are established by law

The law ensures the independence of the judges of special Courts, Public Prosecutors attached to these Courts

and other persons taking part in the administration of justice

#### Art 109

The Judicial Police are at the direct disposal of the Judiciary

#### Art 110

Without prejudice to the competence of the "Consiglio Superiore della Magistratura", the organization and operation of services concerned with the administration of law are entrusted to the Minister of Justice

### Section II—*Regulations on Justice*

#### Art 111

Valid reasons must be provided for all legal proceedings

Appeals to the Supreme Court of Cassation are always allowed against sentences and against measures concerning personal liberty delivered by the ordinary or special courts when violation of law occurs. These provisions may be abolished only in the case of sentences passed by Military Tribunals in time of war

Appeals to the Supreme Court of Cassation against decisions of the Council of State and of the Court of Accounts (State Auditor's Department) are only allowed for motives concerning jurisdiction

#### Art 112

The Public Prosecutor is responsible for instituting penal proceedings

#### Art 113

Claims for protection of rights in matters of legitimate interest before the organs of normal or administrative justice are always allowed against decisions taken by public administration

Such jurisdictional protection may not be exclusive or limited to special claims or to specific decisions

The law lays down those jurisdictional organs which may annul decisions of public administration according to the provisions established

*Title V*

**THE REGIONS, PROVINCES AND 'COMUNI' \***

**Art. 114**

The Republic is divided into Regions, Provinces and "Comuni"

**Art 115**

The Regions are constituted as autonomous territorial units with their own powers and functions according to the principles established by the Constitution

**Art 116**

Particular forms and conditions of autonomy, in accordance with special statutes adopted by constitutional law, are attributed to Sicily, Sardinia, Trentino-Alto Adige, Friuli-Venetia Julia and the Valle d Aosta

**Art 117**

Within the limits of the fundamental principles established by the laws of the State, the Region legislates in regard to the following matters, provided that such legislation is not in contrast with the interests of the Nation or of other Regions,

Organization of the offices and the administrative bodies dependent on the Region,

Town boundaries,

Urban and rural police,

Fairs and markets,

Public charities and health and hospital assistance,

Vocational training of artisans and scholastic assistance,

\* This term includes towns, urban and rural districts

Museums and libraries of local bodies,  
 Town planning,  
 Tourist trade and hotel industry,  
 Tram and motor coach services of regional interest,  
 Roads, aqueducts and public works of regional interest,  
 Lake navigation and ports,  
 Mineral and spa waters,  
 Quarries and peat bogs,  
 Hunting,  
 Fishing in lake and river waters,  
 Agriculture and forestry,  
 Artisanship,  
 Other matters indicated by constitutional laws,

The laws of Republic may delegate power to the Region  
 to issue norms for their enforcement

#### Art 118

The administrative functions pertaining to the subjects listed in the preceding article reside in the Regions, except those of exclusively local interest which, by the laws of the Republic, may be delegated to the Provinces, "Comuni" or other local authorities

The State may, by law, delegate the exercise of other functions of an administrative nature to the Region

The Region normally exercises its administrative functions by delegating them to the Provinces, "Comuni" or other local authorities, or by administering them through their offices

#### Art 119

The Regions have financial autonomy within the forms and limits established by the laws of the Republic which coordinate this regional autonomy with the finances of the State, the Provinces and the "Comuni"

The Regions are assigned their own taxes and quotas of Exchequer taxes according to the expenditure necessary to the fulfilment of their normal functions



The State assigns by law special allocations to single Regions for specific purposes and particularly for the development of southern and insular Italy

The Region has its own demesne and patrimony according to the requirements of the laws of the Republic

#### Art 120

The Regions may not levy import or export duties or duties on transit between Regions

The Regions may not adopt provisions which hinder the free movement of persons or goods between Regions

The Regions may not limit the right of citizens to exercise their professions, employment or labour in any part of national territory

#### Art 121

The official bodies of the Region are the Regional Council, the Junta and its President

The Regional Council exercises the legislative and administrative power granted to the Region and all other functions conferred on it by the Constitution and by law. It may propose Bills to Parliament \*

The Junta is the executive body of the Regions

The President of the Junta represents the Region, he promulgates regional laws and regulations and directs the administrative functions delegated to the Region by the State in accordance with the instructions of central government

\* Article 83 of the Constitution grants Regional Councils the right to appoint their representatives to vote for the President of the Republic in conjunction with a joint session of Parliament. Articles 75 and 130 authorize five Regional Councils to ask for a referendum

### Art 122

The electoral system, and the number and cases of ineligibility and incompatibility of Regional Councillors, are established by the laws of the Republic

No one may be a member of a Regional Council and a member of either Chamber of Parliament or another Regional Council at the same time.

The Council elects a President from its own members and a President's Office for its functions

Regional Councillors may not be called upon to answer for opinions expressed or votes cast during the exercise of their duties \*

The President and members of the Junta are elected by the Regional Council from among its members

### Art 123

Every Region has a statute which, in harmony with the Constitution and the laws of the Republic, establishes the norms relative to the internal organization of the Region. The regional statute controls the right of initiative and referendum on laws and provisions of an administrative nature within the Region and the publication of regional laws and regulations

The Statute is drafted and approved by the Regional Council through an absolute majority of its members and further approved by a law of the Republic

### Art 124

A Government representative, residing in the capital of the Region, supervises the administrative functions exercised by central government and coordinates them with those of the Region \*\*

\* Under the Constitution Regional Councillors are not granted parliamentary immunity and they cannot therefore enjoy the privilege of avoiding legal proceedings under the term 'no authorization to proceed'

\*\* Under Article 127, the Government Commissioner must also sign regional laws

## Art 125

Control of the legitimacy of administrative decisions in the Region is exercised, in decentralised form, by an organ of central government in the manner and within the limits established by the laws of the Republic. In specific cases, the law may admit re examination of the merits of the case, but only to the extent of promoting, through a motivated request, a re examination of a controversial decision by the Regional Council.

The Regions have their own first degree courts for administrative actions in accordance with the requirements of the laws of the Republic. The court may have branches in places other than the regional capital.

## Art 126

The Regional Council may be dissolved when it performs acts contrary to the Constitution or commits serious violations of the laws, or fails to respond to the request of the Government to replace its Junta or the President of the Junta when these have committed similar acts or violations.

It may be dissolved when, by reason of resignation or through the impossibility of forming a majority, it is no longer in a position to fulfil its duties.

It may also be dissolved for reasons of national security.

The dissolution of the Regional Council is effected by a decree of the President of the Republic after an opinion has been offered by a Commission composed of Senators and Deputies, formed according to the laws of the Republic on regional affairs.

The Decree of Dissolution is accompanied by the nomination of a Commission composed of three citizens eligible for the Regional Council, which announces the holding of new elections within a period of three months and provides for ordinary administration within the competence of the

Junta and for such decisions as cannot be postponed such decisions are subject to ratification by the new Regional Council

### Art 127

Every law approved by the Regional Council shall be communicated to the Government representative who, except in the case of opposition on the part of the Government, must approve it within a period of thirty days from its submission

The law is promulgated within ten days from the date of approval and becomes effective not earlier than fifteen days from its publication. If a law is considered to be urgent by the Regional Council, and the Government of the Republic approves, then its promulgation and date of effect are not subject to the specified periods

The Government of the Republic, when it considers that a law approved by the Regional Council exceeds the competence of the Region or conflicts with the interests of the Nation or with those of other Regions, returns it to the Regional Council within the period established for approval

When the Regional Council approves it again by an absolute majority of its members, the Government of the Republic may, within fifteen days of communication of the fact, submit the question of its legitimacy to the Constitutional Court, and that of its merit, in the case of conflicting interests, to the Chamber of Deputies and the Senate. In case of doubt, the Constitutional Court shall decide on the competent body

### Art 128

The Provinces and the "Comuni" are autonomous bodies within the principles laid down by the general laws of the Republic, which determine their function

### Art 129

The provinces and the "Comuni" are also territorial units of State and regional decentralization

The territory contained within the Province may also be subdivided into districts with exclusively administrative functions, for the sake of further decentralization

### Art 130

A regional body, constituted in accordance with procedure established by the laws of the Republic, exercises, in a decentralized form, control over the legitimacy of decisions taken by the Provinces, Communes and other local bodies

In cases specified by law, control of an issue of general merit may be exercised in the form of a reasoned request submitted to the competent assembly for re examination of decisions taken previously

### Art 131

The following Regions are instituted

Piedmont, Valle d Aosta, Lombardy, Trentino Alto Adige, Venetia, Friuli Venetia Julia, Liguria, Emilia Romagna, Tuscany, Umbria, Marches, Latium, Abruzzi, Molise, Campania, Apulia, Basilicata, Calabria, Sicily, Sardinia

### Art 132

By constitutional law, the Regional Councils having been heard, arrangements may be made for the merging of existing Regions or the creation of new Regions with a minimum of one million inhabitants, when such a request is made by as many Councils of the "Comuni" as represent at least one third of the interested populations and when the proposal has been approved by a referendum voted by the majority of the interested populations

By means of a referendum and by the laws of the Republic, the Regional Council having been heard, consent may be given for Provinces and "Comuni" so desiring to be detached from one Region and attached to another

### Art 133

Changes of provincial boundaries and the institution of new Provinces within the area of a Region, are established by law of the Republic, after request from the "Comuni" and the approval of the Region itself

The Region having heard the interested population, may, by its own enactment, establish new "Comuni" and modify their boundaries and names within its own territory

### *Title VI*

## CONSTITUTIONAL GUARANTEES

### *Section I—The Constitutional Court*

### Art 134

The Constitutional Court decides

on controversies concerning the constitutional legitimacy of laws and acts having the force of law, emanating from central and regional government,

on controversies arising over constitutional assignment of powers within the State, between the State and the Regions, and between Regions,

on impeachments of the President of the Republic and Ministers, according to the norms of the Constitution

### Art 135

The Constitutional Court is composed of fifteen judges, a third of whom are nominated by the President of the Republic, one third by Parliament in joint session, and one third by the members of the ordinary and administrative supreme courts

The judges of the Constitutional Court are chosen from among the magistrates of the High and Administrative Courts, including those in retirement, professors of law, and lawyers who have been in practice for a minimum period of twenty years

The judges of the Constitutional Court are appointed for a period of nine years, as from the date upon which each shall be sworn. They may not be reappointed to this office under any circumstances.

Upon termination of their period of office the judges of the Constitutional Court shall withdraw and cease all functions.

In conformity with the norms laid down by law the Constitutional Court shall elect a President from among its own members who shall remain in office for a period of three years. He may be reelected but only within his period of office.

Appointment as a judge of the Court is incompatible with membership of Parliament, Regional Government, the profession of the lawyer or with any other office as laid down by law.

In the case of proceedings against the President of the Republic, of the Prime Ministers and the Ministers, those taking part shall include the judges of the Constitutional Court and sixteen persons chosen from a list of persons possessing the necessary qualifications for election to the Senate, which Parliament shall draft every nine years by means of appointment under the same procedure as that used for the judges. \*

### Art 136

When the Court declares a norm of law, or an act having the force of law, to be unconstitutional the norm ceases to have effect from the day following the publication of the decision.

The decision of the Court is published and is communicated to Parliament and the interested Regional Councils in

\* This article had been amended by Article 10 of Constitutional Law No. 2 of November 22, 1967 (Official Gazette No. 94 of November 25, 1967).

order that provisions may be made in constitutional form where considered necessary

#### Art 137

A constitutional law establishes the conditions, forms and time limits for decisions on constitutional legitimacy and guarantees the independence of the judges of the Court, \*

All other norms necessary for the constitution and functioning of the Court are established by ordinary legislation

The decisions of the Constitutional Court may not be contested,

#### Section II—*Amendments to the Constitution, Constitutional Laws*

#### Art 138

Amendments to the Constitution and other constitutional laws are passed by the Chamber of Deputies and the Senate in two successive sessions at an interval of not less than three months and are approved by an absolute majority of the members of each Chamber after a second reading

The laws themselves are submitted to popular referendum when, within three months of their publication, a demand shall be made by one fifth of the members of either Chamber or by 500,000 electors or by five Regional Councils. A law submitted to referendum shall not be promulgated unless approved by a majority of valid votes

A referendum shall not be held if the law has been approved in both Chambers, during a second reading, by a majority of two thirds of the members of each Chamber

#### Art 139

The Republican structure is not subject to constitutional amendment

\* This law was approved by the Constituent Assembly and has become Constitutional Law No 1 of February 9 1948



## TRANSITORY AND FINAL PROVISIONS

I When the Constitution becomes effective, the Provisional Head of the State shall assume the title of President of the Republic and exercise the attributes of this office \*

II If at the time of the election of the President of the Republic the Regional Councils have not all been constituted, then only the members of the two Chambers shall participate in the said election

III By a decree of the President of the Republic, for the first term the Senate will include among its members deputies of the Constituent Assembly who have the necessary qualifications by law for election to the Senate and who.

have been President of the Council of Ministers, or Speaker or President of legislative bodies,

have been members of the dissolved Senate,

have been three times elected, including election to the Constituent Assembly,

were dismissed during the session of the Chamber of Deputies of November 9, 1926,

have suffered imprisonment for a period of not less than five years in consequence of sentences passed by the Special Fascist Court for State Defence \*\*

Members of the dissolved Senate who were also members of the National Consultative Assembly are also nominated Senators, by decree of the President of the Republic

The right to nomination as Senator may be renounced prior to signature of the decree of nomination Acceptance

\* On January 1, 1948, the provisional Head of the State Enrico De Nicola, assumed the title and duties of President of the Republic

\*\* As a result of this Article 107 senators by right were nominated to the first Senate of the Republic

of candidacy in political elections implies renunciation of the right to be nominated Senator

IV In the case of first elections to the Senate, Molise is considered as a Region in itself, the number of its Senators depending on the proportion of its population

V The provisions contained in article 80 of the Constitution, in so far as they concern international treaties which impose charges on the budget or modifications of law, shall be effective from the date of convocation of the two Chambers \*

VI Within five years of the effective date of the Constitution, a revision of the special organs of jurisdiction now existing shall be undertaken, with the exception of the Council of State, the Court of Accounts and Military Tribunals

Within one year of the said date provision shall be made by law for the reorganization of the Supreme Military Tribunal according to Article 111

VII Until such time as new legislation on the Judiciary shall bring it into conformity with the Constitution, the norms at present in force shall continue to be observed

Until such time as the Constitutional Court shall begin to function, decisions over controversies as under Article 134 shall be rendered according to the forms and limits existing prior to the effective date of the Constitution \*\*

VIII The election of the Regional Councils and the elective organs of provincial administration shall take place within one year of the effective date of the Constitution

\* The two Chambers held their first meeting on May 8 1918

\*\* The last paragraph of the transitory provis on reading ' The Judges of the Constitutional Court nominated for the initial composition of that Court shall not be subject to partial re election and shall remain in office for a period of twelve years ' has been repealed under Constitutional Law No 2 of November 22, 1987

The laws of the Republic regulate, for all branches of public administration, the transfer of central government powers attributed to the Regions. Until provisions have been made for the reorganization and distribution of administrative functions among local government, the Provinces and "Comuni" shall retain the functions they exercise at the present time as well as others which may be delegated to them by the Regions.

The laws of the Republic regulate the transfer of public officials and dependents to the Regions, including those of central government, whenever such transfer shall be deemed necessary because of reorganization.

In setting up their departments, the Regions must, except in cases of necessity, draw personnel from the Civil Service and local public bodies.

IX Within three years of the effective date of the Constitution, the Republic shall adjust laws according to the requirements of local autonomy and the legislative competence attributed to the Regions.

X. The general norms contained in Title V of Part Two shall be provisionally applied to Friuli Venezia Giulia referred to in Art 116, the protection of linguistic minorities remains binding as per Art 6.

XI Other Regions may be formed during the first five year period of the Constitution by constitutional enactment and in modification of the list contained in article 131, without recourse to the procedure required under Paragraph One of Article 132, but with the obligation to hear the opinions of the interested populations.

XII *Reorganization of the former Fascist Party, under any form whatsoever, is prohibited.*

Notwithstanding Article 48, temporary limitations are established by law, for a period of not over five years from the effective date of the Constitution, on the suffrage and eligibility of the responsible heads of the Fascist regime.

**XIII** The members and descendants of the House of Savoy are not electors and may not hold any public office or elective position

Former kings of the House of Savoy, their wives and their male descendants may not enter or remain in Italian territory.

Property within Italian territory belonging to the former kings of the House of Savoy, their wives and their male descendants, revert to the State. Transfers and the establishment of royal rights on such properties, which took place after June 2, 1946, are null and void

**XIV** Titles of nobility are not recognized

The predicates of those existing before October 28, 1922, serve as part of the proper name

The Order of Ss Maurizio e Lazzaro is preserved as a hospital corporation and functions according to the methods established by law

The law regulates the suppression of the Heraldic Council

**XV.** When the Constitution goes into effect, the legislative decree of the Lieutenant of the Realm of June 25, 1944, No. 151 on the provisional organization of the State is held to be converted to law

**XVI** Within one year from the effective date of the Constitution, the preceding constitutional laws, which have not been explicitly or implicitly abrogated, shall be revised and coordinated to conform with the Constitution itself

**XVII** The Constituent Assembly shall be convened by its President before January 31, 1948, to decide on the laws for the election of the Senate of the Republic, on the special regional statutes and on the law governing the press

Prior to the date of the elections, the Constituent Assembly may be convened, whenever there is need to decide on matters within its competence, under Article 2, paragraphs

on- and two, and Article 3, paragraphs one and two of the legislative decree of March 16, 1946 No 98

The Standing Committees shall continue to function during this period

The Legislative Committees shall submit all Bills transmitted to them, with appropriate observations and proposal of amendments to the Government

Deputies may question the Government and request written replies

With reference to Paragraph 2 of this present Article, the Constituent Assembly is convened by its President on the written request of the Government or at least two hundred deputies

XVIII This present Constitution shall be promulgated by the Provisional Head of the State within five days of its approval by the Constituent Assembly, and shall come into effect as from January 1st, 1948

The text of the Constitution shall be deposited in the Town Hall of each "Comune" of the Republic and shall be on view during the whole of 1948 in order that every citizen shall have knowledge of it

The Constitution, bearing the Seal of State, shall be inserted in the Official Records of the Laws and Decrees of the Republic

The Constitution shall be faithfully observed as the fundamental law of the Republic by all citizens and organs of the State

*Given in Rome this 27th day of December, 1947*

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# 3

## A GENERAL OUTLINE OF ITALIAN FOREIGN POLICY

**T**o arrive at any decision with regard to the position of Italy in the present system of international relations it is helpful to first consider some fundamental decisions taken immediately after the conclusion of the second world war, decisions that were the result of mature thought on the tragic experiment to which the nation had been exposed

The conclusions reached by the responsible authorities, founded on constructive growth of relations with other peoples in an atmosphere of peaceful coexistence and mutual respect and confidence, were to guarantee the territorial and political integrity of Italy, the safeguarding of the institutional

structure she had freely chosen and full acceptance by world society. Policy was not limited to questions of a contingent nature, related solely to the pressing need to overcome the isolation and sense of inferiority caused by the war. There was a deeper desire to identify the real contribution that Italy could offer to the nations of the world in both a political and economic sense.

The European ideal, which became the backbone of Italian foreign policy from the very start of the post war period, largely due to the efforts of Alcide De Gasperi and Count Sforza, was not a haphazard decision. Indeed, it represented a means of economic recovery, modernization of production procedure and the creation of a defensive system that would assure security for Italy and the whole of western Europe. A number of basic decisions, all related to one another, soon demonstrated a coherent tendency in foreign policy for they concerned participation in the Marshall Plan, membership of the Atlantic Alliance, the European Coal and Steel Community and the United Nations and the signing of the treaties instituting the European Economic Community.

The consequent efforts of the Italian government, by means of continuous and creative assistance to all international organizations, encouragement of the movement towards European unity and the promotion of all useful forms of international cooperation, particularly to the emerging countries, are none other than the logical development of the principles adopted at the start. Although there have been rapid changes in the world over the past twenty five years, Italian foreign policy has swerved but little from its original path for it continues to seek a suitable answer to the problems of the present world by trying to strengthen the cause of international cooperation.

#### European Cooperation

In accordance with Treaty norms, the transitional period of the Common Market came to an end on December

31, 1969 This date marked the conclusion of the first great cycle in the growth of community institutions, during which there was inter penetration of individual economies by means of a still imperfect union of industrial and agricultural markets. The phase which has opened this year should witness the total integration of the economies of the Community.

The Italian government is intent upon attaining two basic goals — the strengthening of community institutions and the widening of the Community to include those nations who desire to become members.

Coordination of diverse domestic policies and inter governmental cooperation have been sufficient to encourage the process of economic inter penetration but real economic unity requires a common outlook that can only be achieved if there are the appropriate organs for this purpose, first among them being a Parliament capable of exercising those deliberative powers and controls foreseen in the Treaty of Rome.

The same reasoning must be applied to the efforts of the Italian government to enable the Council of Ministers of the European Economic Community to examine a project for the election of a Parliament by means of universal suffrage. The question was first brought up in 1961 and has now been successfully concluded.

With regard to the widening of the area of the Community, the Italian government has constantly approached the matter with an open mind. It has been argued that economic union, and political union even more, will receive a very definite impulse if it embraces the nations of the entire continent.

The attitude of the government towards the relationship between the internal development of the Community



and the acceptance of other states as members is equally clear. Even though priority must be given to internal growth, considerable thought must nevertheless be given to the repercussions that every agreement between the six countries may have on relations between the Community and candidate nations.

Following certain changes in the political outlook of France new prospects are facing the Community. Because of the more flexible attitude of the French government, it has been possible to make a more realistic approach to basic questions concerning widening of the Community and strengthening its institutional bodies.

The French proposal for a summit conference was formally submitted to the Council of Ministers of the European Community on July 22 by the Foreign Minister, M. Schumann. After some initial perplexities had been overcome and the presence of the Commissions had been assured the idea received full support from Italy. It was based on three problems of equal importance to the Community — conclusion of the measures to be enacted before the end of the transitional period, more profound examination of joint policy in a variety of fields, and geographical extension of the Community.

The Italian government raised no objections at the proposal that the political and economic growth of Europe should be discussed on such a threefold basis and that these points be looked upon as a platform for the re-launching of the principle of European unity.

It cannot be denied that the 'summit conference held at The Hague on December 1/2, 1969 produced some constructive answers. Heads of States and government leaders unanimously agreed that there were very good reasons for putting an end to the transitional period and this decision represented a historical step forward in the existence of the

Community and implied that all would pledge themselves to attaining the goal of economic unity

The meeting at The Hague also helped to clarify the attitude of Italy towards each of the individual problems discussed. This country undoubtedly demonstrated great coherence and seriousness in helping to find a common platform that would solve outstanding questions but which would not damage the political and economic goals pursued by those Italian government that have held power in recent years

The final communique issued by the "summit conference demonstrated the correctness of the Italian viewpoint. Proposals, whether agreed upon, set aside for further examination or merely considered as a possibility for the future, were submitted according to the practical nature of the problems involved and not on the basis of preconceived ideas

An analysis of the matters brought before members of the conference shows that Italy made a most important contribution relative to the real dimensions of regulations on agriculture after the conclusion of the transitional period. It had been stated that any decision regarding such regulations was solely connected with the entry of the Community into its permanent status. Italian representatives have always argued that a decision should be accompanied by a promise that the regulations in question would be suited to a much larger Community and adequate to the contributive capacity of the member states. This principle was unanimously accepted, to the extent that the question of financing agricultural policy is now related to reform of agricultural structure and the widening of the Community

Italy has always maintained that some of the more recent international monetary oscillations call for the enactment of coordinated economic and monetary policy, although the requirements of a much larger economic unity should be

respected. The "summit" conference confirmed an overall wish to continue along the path of economic and monetary union which should be largely based on coordination of the economic policies of the member nations.

As already mentioned, one of the cardinal points of Italy's support of community policy is her determined stand on the need to strengthen institutional bodies. This explains why the Rome government considers it necessary to grant wider powers to the European Parliament with regard to a community budget. Such a question is related to the creation of an electoral system that should rest on new criteria of representation or, in other words, on direct, universal suffrage. In its final communique, the conference promised the strengthening of budget powers and further examination of the election of a European Parliament. As far as Italy is concerned, this undoubtedly represented a considerable step forward.

Equal success was achieved with regard to yet another fundamental question when agreement was reached on the widening of the Community. Definite promises were given with regard to procedure, the principles, and the time limits as well as to other points of essential importance to future negotiations.

### The Atlantic Alliance

Membership of the Atlantic Alliance continues to be one of the stepping stones of Italian foreign policy. Following the withdrawal of France from this organization, and with the approach of the end of the twenty year time limit, some nations tended towards supporting the theory that, in a more stable world in which a search was being made for more profound forms of distension, the role of NATO as the guarantor of western European security had become a thing of the past. In actual fact, the organization had fulfilled its task as a dissuader but its possibilities were by no means at an end.

The enormous efforts made in recent years by the USSR to strengthen its already powerful military forces — particularly missiles and naval units — the uncalled for intervention in Czechoslovakia, and several other events, have dispelled any doubts that may have existed

The need for the European nations to maintain an efficient organization for joint defence under an alliance with the United States and Canada, does not imply any sharpening of hostility between the military blocs. On the contrary, the past three years have witnessed the growth of the distensive role of NATO, ranging from the Harmel Plan to Reykjavik (1968), a balanced reduction of military forces in central Europe, the 1969 Washington proposals for East-West negotiations and the renewal of the Reykjavik proposals in the statement approved by the Council of Ministers at Brussels during last December. Rome was chosen for the 1970 Spring session of the Council and, because of this, the Italian government did everything in its power to make sure that such a meeting would represent a real step forward towards constructive negotiations with the eastern countries

Furthermore, the Alliance is gradually moving towards a "third field" that covers social affairs (in the widest sense of the term), the result of proposals made by President Nixon. They suggest that NATO interest itself in problems concerning the development of modern society — beyond the limits of national borders — such as natural calamities, crime, environment, etc. A special committee appointed by the Atlantic Council is already at work examining the points mentioned above and, together with the United States, an important place has been reserved for Italy

### **The Mediterranean**

The political and military influence of the Soviet Union in the Mediterranean is a source of danger and is closely

related to the preoccupying development of the Arab-Israel conflict

Concerned with maintaining a status quo in an area that is of vital importance, Italy has given the question the most serious attention and is convinced that a solution can only be found within the ambit of the United Nations

With this principle in mind, the Rome government is trying to alleviate the tension in this area by putting forward suggestions that could eliminate the causes of hostilities and create that climate necessary to the re establishment of peace. Constant support has been offered to the United Nations for the Italian government is aware that a return to normal conditions in the eastern Mediterranean and the re opening of the Suez Canal is of vital importance to Italian commerce and ports. As a means of creating conditions suitable to political settlement, Italy has proposed a selective embargo on armaments for those states directly involved in the fighting and the acceptance of a "cease fire" agreement under which no changes are made to the status of occupied territories.

#### East-West Relations—A European Conference

At the start of the 1960 s, East West relations were gradually moving towards a more distentive level, with a certain attenuation in the rigid attitude that had marked the cold war period. However, Soviet military intervention in Czechoslovakia and the successive internal upheavals in that country had strong repercussions on such relations.

However, following the severe impact on this distentive web that had been laboriously spun over a period of ten years, the western nations realized that there could be no alternative to anything but renewed overtures to the Soviet Union and those countries which had taken part in the invasion of Czechoslovakia, although it was obvious that

prudence would have to be used. This conviction was fully shared by the Italian government and, during the NATO conference at Washington in April 1969, Italy joined in the decision to draft a list of practical proposals which might lead to fruitful negotiations with the eastern nations.

Although of an independent nature, this decision was really an indirect answer to the "Budapest appeal" in which the member states of the Warsaw Pact expressed their readiness to return to the idea of a conference on European security. There were, however, some radical differences between the two blocs as to the agenda and the goals of the proposed conference.

Members of the Warsaw Pact met in Prague on October 30-31, 1969 and it was suggested that the agenda of the future conference be limited to two items: pledges to renounce the use of force and technical and scientific cooperation. The idea of a preparatory meeting was rejected and members accepted the idea of a gradual development of negotiations during which less controversial matters would give way to the more difficult questions that could finally be discussed at a later series of talks. However, this system only apparently resembled what had been suggested by the western powers, Italy in particular. The West was asking for a coordinated series of negotiation that would eventually lead to the desired conference while the socialist countries considered the latter to be the first step towards further discussions.

In spite of the disappointing proposals made by the member states of the Warsaw Pact, the Council of Ministers of the Atlantic Alliance met in Brussels in December 1969 to confirm readiness for a European conference provided that it could deal with definite problems. It also approved a declaration (later sent to the eastern countries at Italy's request) containing several constructive requests.

Italian representatives stressed the fact that the desire for European security should not be interpreted as meaning

consolidation of the status quo and the approval of blocs. It was further pointed out that the existing conditions in Europe called for a new and dynamic element which would completely renew the structure of international relations, leading to institutions based on authentic consensus of opinion and not on thinly veiled imposition of will. The real goal was to achieve stability in Europe by means of finding answers to basic problems that not only concerned Germany but hinged on security in the Mediterranean, free trade and movement, pledges not to use force of any kind and the adoption of a code that would encourage and develop constructive international relations.

### Disarmament

In this particular field, Italian efforts have consisted of numerous constructive proposals put forward during sessions of the Disarmament Committee at Geneva.

Among the results achieved in recent years, mention must be made of the agreement concerning the prohibition of nuclear experiments on land and sea and air and the conclusion of a treaty on the peaceful uses of the upper atmosphere and space. It is a well known fact that Italy contributed largely towards the treaty forbidding the transfer of nuclear weapons to countries other than those already in possession of them. During the lengthy negotiations which preceded the signing of this document, Italy struggled to attenuate the imbalances in obligations and responsibility existing between nuclear and non nuclear powers so that the latter might receive major guarantees concerning possible participation in the benefits to be had from the peaceful uses of atomic energy. The Rome government was also anxious to obtain promises from nuclear powers regarding the possibility of putting an end to the armaments race and bringing about gradual nuclear disarmament, and asked that regular controls be carried out to ensure that the treaty was really being enacted.

The Italian government signed the treaty on January 28, 1969. Such an act was done in the firm hope of contributing towards the creation of an atmosphere of greater confidence in international relations in Europe and facilitating a new feeling of distension.

It should not be forgotten that the Italian delegation at the XXIV th Assembly of the United Nations proposed a draft resolution concerning disarmament that was almost unanimously approved. The draft gave the Disarmament Council powers to draw up an organic disarmament programme that would considerably help the work of the Geneva Conference in its efforts to reach agreement over measures that would effectively reduce nuclear and conventional weapons.

### **The United Nations**

Italian foreign policy has always followed the path of unswerving support of the United Nations.

Attending the debate on general policy during the XXIV th session of the United Nations, the Foreign Minister, Signor Aldo Moro, explaining his conception of peace, suggested the outline of a plan that would result in the institutional, organizational and methodological strengthening of the organization.

According to the Italian Foreign Minister the establishment of peace throughout the world, a goal common to all the various responsibilities of the United Nations, has now reached new and much more complicated dimensions. It is no longer a question of only trying to prevent arm conflict and the settlement of situations likely to cause war. Peace entails the progressive removal of all those economic, social and technological factors that cause instability and disorder in international affairs. The United Nations must possess machinery suitable to constructive intervention but the overall problem still includes economic progress of poor nations, an



adequate campaign against hunger and poverty, the creation of more humane social systems that will offer new ideals to future generations, disarmament and a much wider employment, for pacific purposes, of all the knowledge and advantages offered by scientific and technological progress. If such objectives can be attained, then peace can be constructed on a really solid and lasting basis.

Inspired by such a global idea of peace, the Italian government submitted some proposals as preliminaries to the 25th anniversary of the United Nations. They included (a) improvements to the structure and functioning of the principal organs of the U N, (b) systematic co-ordination of the many activities of the organization in order to ensure more rational and efficient use of the facilities offered, (c) a more 'productive' policy concerning growth of U N authority.

Through membership of some of the more important agencies of the organization (first among them being the Economic and Social Council) Italy has played a considerable role in discussions and negotiations dealing with economic, social and technological affairs intimately connected with the establishment of peace.

Mention must be made of Italian proposals during the U N conference on the Law of Treaties which under the chairmanship of Professor Roberto Ago of Rome University, held two sessions in the Spring of 1968 and 1969. A basic codification was carried out which permits newly independent states to take an active part in the drafting and adoption of norms that up to now, have been more or less a question of habit, and adjustments made to international law that adapts it to the new trends of modern society.

Alto Adige

After a lengthy series of meetings and discussions between Austrian and Italian representatives, held at various

levels from 1964 onwards, a draft solution to the situation in Alto Adige has been finally possible. The draft was approved on December 5, 1969 by the Italian Parliament and on December 15 by the Austrian National Council. It includes several unilateral decisions to be enacted by each of the countries concerned and these are set out in chronological order under what is termed an "operative calendar. The salient points of the proposals are as follows: the enactment of measures, on the part of the Italian government, that will extend the legislative authority of Bolzano Province (based on conclusions reached by the Commission for Enquiry into Alto Adige also known as the "Commission of 19), the issuing of a statement by the Austrian government publically recognizing the end of the controversy.

The draft solution to the differences arising over the execution of the Paris Agreement (De Gasperi-Gruber) of September 5, 1946, is based on the following principles, approved by Parliament, which have always represented the Italian attitude throughout negotiations:

(a) the Agreement has been mostly enacted by the Italian government through the return—to Alto Adige—of former optants and through the introduction of a large number of norms and regulations pertaining to various sectors, contained for the most part in the Statute for the Region of Trentino Alto Adige of February 26, 1948, and in other laws,

(b) the end of the controversy does not imply that Italy must accept heavier international obligations or burdens that differ in any way to those set down in the De Gasperi-Gruber Agreement,

(c) measures taken by the Italian government relative to the widening of the powers of provincial government at Bolzano are of an internal nature,

(d) future differences of opinion over the enactment of the said De Gasperi-Gruber Agreement shall be submitted to

the International Court of Justice at The Hague. An agreement will be stipulated between Italy and Austria to the effect that the International Court shall deal with controversies arising from bilateral agreements between the two nations, even before the enactment of the European convention on the peaceful solution of controversies, and thus including the differences which have arisen over the De Gasperi Gruber Agreement.

As a final stage, the "operative calendar" foresees the signing of a treaty of friendship and cooperation between Italy and Austria.

### Economic Relations

Great interest has been demonstrated in the attitude of Italy towards the E.E.C. because of the constant and articulate growth of economic, commercial and financial relations within the Community. During 1969, agreement was reached on common financial regulations, of specific interest to this country. These regulations have modified the procedure formerly used for estimating the contributions to be paid by individual states and this has done away with certain burdens which, because of unforeseen development in trade exchange, threatened to become excessive for Italy.

Italian delegates had made it clear that approval of the financial regulations concerning agricultural policy should be subordinate to satisfactory norms for other sectors of vital interest to this country, such as wine and tobacco. However, a satisfactory formula regarding Italian requests in these two branches has been reached.

In the social field, the year 1969 witnessed the first stage of practical application of regulations on the free circulation of manpower. Italy has asked that these should be made as efficient as possible in the shortest possible time. As to the mechanism, Italy favours a multilateral and bilateral procedure because the government is convinced that

the latter will permit fuller enactment of Community regulations

With regard to employment, the Italian government sponsored a proposal calling for the preparation of a meeting between the Ministers of Labour of the six member states, the Commission and representatives of employers and labour. This meeting, approved by the Council, should examine the more important labour questions of the moment and reach agreement on all those measures which should lead the way to full employment within the Community.

As far as external relations are concerned, the Council has drafted a programme derived from the convention on supplying food products to needy countries. Italy is taking part both as a member of the Community and as an individual nation and, in the latter role, will offer about 320,000 quintals of cereals over the period 1968-69 and 1969-70.

A new approach to relations between the Community and Latin America was made possible on the basis of a Memorandum drafted by Italy in November 1968. The Executive of the Community made several references to this when, during the past summer, it presented the Council with a new and organic document on the question.

In March, treaties of association were signed with Tunisia and Morocco, both of which are of great interest to Italy because of additional export possibilities.

A new convention of association was signed at Yaounde that brings African states into a closer relationship with the Community. Italy has been able to expand trade exchange with these states and there is now a much better balance between imports and exports. There has also been a substantial increase in the Italian quota of contracts financed by the European Development Fund, a clear sign that Italian economic exponents are showing renewed interest in investing in SAMA countries.

In conclusion, it should be forgotten that Italy has decided not to renew its proposal that any agreement with Austria be subjected to careful Community examination

### Scientific and Technological Cooperation \*

The past year witnessed the growing interest of international organizations in the problems of modern society and the conditions under which the world now lives. Italy promptly associated herself with all initiatives concerning the matter, embarking upon multilateral talks. Adhering to requests made by NATO, the U.N. and the European Economic Commission of the United Nations, the competent Italian organs began examination of specific problems of common interest. Italy will be taking part in plans that the Organization for Economic Cooperation and Development has drafted for 1970.

In November 1969, the "ad hoc" work group of the OECD on the founding of an International Institute of Technology completed its labours, proposing that this should be located in Milan. The International Institute of Technology will represent an important training centre for management having a suitable European mentality and technical preparation.

With regard to European cooperation in scientific and technological progress, exchanges of ideas over inclusion of third party nations concluded with the logical decision that the Council of Ministers should invite 9 nations (Great Britain, Ireland, Denmark, Norway, Portugal, Spain, Switzerland and Austria) to participate in joint talks so that agreement might be achieved on scientific and technological policy. This invitation was accepted by all the countries concerned and eight special work groups were appointed in the early part of the current year.

During 1969, an agreement was signed between Great Britain and Italy on the appointment of a joint Committee

for Scientific and Technological Cooperation and similar negotiations have been opened with the German Federal Republic

In the space field, through ELDO and ESRO, Italy has been able to take an active role in joint European projects, playing an important part in the institution of a "European Space Organization, representing the merger of the two agencies mentioned above. This should actuate an entirely new programme that fully covers the many aspects of space research. Italy has also been very active on INTELSAT (International Satellite Communications Organization)

### Foreign Financial Relations

This field covers several types of intervention (inter governmental loans, bank loans, insurance or credit for exports, re financing, etc.), coordination on a national scale, and negotiation on an international level led to the stipulation of the following agreements in 1969

Italy has continued collaboration (participation in periodical meetings and numerous special sessions) with consortia and advisory groups immediately concerned with providing adequate international coordination in the study of problems in certain emerging nations and the offering of financial and technical aid. Italy is a founder member of the two agencies that the OECD has formed for Greece and Turkey and is a member of two consortia that the International Bank for Reconstruction and Development has appointed for India and Pakistan

Italy is a member of all the advisory groups so far instituted for the following states: Colombia, Nigeria, Sudan, Tunisia, Malaysia, Morocco, Peru, Thailand, Indonesia, Ceylon, South Korea (IBRD), Ecuador (Inter American Development Bank)

*Economic Relations with European Nations and Economy*—During the past twelve years, the global value of trade

between Italy and the nations of eastern Europe has risen fivefold, from Lit 143 5 billion in 1957 to Lit 823 billion in 1968, corresponding to 3 3% and 6 5% of total Italian foreign trade. In 1968, Italy imported goods valued at Lit 441 billion from eastern European states and exported goods worth Lit 383 billion. Imports from the Socialist nations mostly consist of farm and food products while exports are chiefly industrial products.

### Cultural Relations

Italy has started negotiations with certain nations preparatory to the signing of cultural agreements and protocols and scientific and technical conventions. These will be added to the many already in force (more than 50) and which permit Italy to be represented in both longstanding and new states.

Joint Commissions, contemplated in cultural agreements with Roumania, Yugoslavia, Argentina, Norway, Turkey and the UAR, met recently. In Moscow, an agreement was recently signed between the National Research Council, the Lincei Academy and the National Institute of Nuclear Physics and the Soviet Academy of Science. To ensure enactment of agreements on scientific and technical cooperation, joint commissions have set to discuss questions affecting the Soviet Union, Poland, Yugoslavia, Bulgaria and Hungary.

In view of interest demonstrated by other nations, stress has been laid on the idea of intensifying exchange of university staff. Apart from the traditional form of isolated missions, it has been pointed out that much benefit would be obtained from the drafting of joint projects concerning basic scientific research, particularly with those countries that are the most technologically advanced.

Italian archaeological teams have worked with success in the Mediterranean (Greece, Malta, Cyprus), the Middle

East (Turkey, Libya, Egypt, Syria, Irak, Afghanistan and Pakistan), Sudan and Peru

Subsidies have been forthcoming for the organization of congresses and conventions in Italy and for 130 Italian delegates attending 66 meetings in other countries

Special care has been given to the management of Italian cultural institutes and schools abroad. There are now 54 Italian Cultural Institutes and 300 schools attended by 60 000 students, of which 80% are foreigners

Cultural Institutes do not limit themselves to teaching the Italian language and certain branches of Italian learning. Modifying their structure to suit the conditions and needs apparent in the country where they exist, these institutes have strengthened cultural relations by stimulating reciprocal interest

Apart from enlarging staff and altering teaching programmes to suit local requirements, the schools have an individual scholastic policy according to the nation in which they operate. Taking into account that Africa absorbs more than 60% of total expenditure on Italian foreign schools, it may be said that great success has been achieved in providing additional technical aid through that continent

Apart from Law No 1376 of December 23, 1967 on 'technical cultural, economic and financial aid for Somalia (over the five year period 1967-71), Parliament also approved Law No 380 of March 28, 1968 on "bilateral technical cooperation with the emerging countries (four year period 1968-71) which contemplates allocations of Lit 15 billion for each of the four years in question. Excluding Somalia, about Lit 1,480 million have been spent on bilateral aid — Lit 910 million on maintenance of 125 experts in 26 nations, and Lit 500 million for contributions to companies responsible for projects in emerging nations. About Lit 700 million has been allocated for 95 experts in Somalia



Following Law No 1033 of November 8, 1966, a large body of young men have left Italy for diverse countries (chiefly Tunisia). Although not included in the cadres of experts sent at the expense of the Italian government, they provide voluntary technical assistance in emerging nations as a substitute for compulsory military service.

Mention must also be made of the activities of the "Dante Alighieri" Society through its 285 committees abroad. It has arranged 3,079 courses in Italian literature and the Italian language during 1969/70, with an attendance of about 40,000 students (22,500 in America and 12,400 in Europe). As part of the programme of assistance to Italian workers abroad, it has held 177 courses during which local languages have been taught. To all this must be added about 2,900 cultural events of varying nature — lectures, concerts, film screenings, fairs and exhibitions.

General cultural events, embracing the figurative arts, opera, concerts, motion pictures and book festivals, have been successfully held in numerous foreign countries, among them being the United States (tournee of the Santa Cecilia Academy, Exhibition of Old Art by the Carrara Academy of Bergamo), Brazil, Switzerland (Italian opera), Great Britain (Chigiano Sextet and the Performances of the Teatro Comunale of Florence at the Edinburgh Festival), South America (Chigiano Sextet, Teatro Stabile of Catania), Roumania, Australia, Germany, Japan, Cambodia, etc. (retrospective exhibitions, Italian film festivals, international festivals).

Numerous high level cultural events formed part of the "Europa '69—Saison italienne", organized in September-October by the Belgian authorities and Italian participation in the celebrations marking the millenary of the city of Cairo in November. The latter included concerts by the Collegium Musicum Italicum, a Film Festival and an Exhibition of Contemporary Italian Bronzes.

The Exhibition of Florentine Frescoes was also much in demand during 1969 and visited Copenhagen, Munich, Brussels and Amsterdam

Italy was also to the forefront in the granting of scholarships and other pecuniary awards in 1969/70. About 647 Italians were able to continue their studies abroad while 2 743 foreign citizen and 103 Italian nationals received grants from the Italian government. The allocations were estimated at over Lit 1,000 million, of which 70% was channelled to the emerging countries.

Cultural policy relating to multilateral organizations has been intensified, particularly campaigns promoted on an international scale on behalf of Venice and Florence. With regard to the former city, it has been agreed that it should be the headquarters of several highly important cultural bodies and early preparations were made for the world conference of Ministers of Culture, promoted by UNESCO and held at Venice in August.

Italy has played a constructive role in the scientific schemes drafted by UNESCO. Post graduate training in such fields as hydrology, volcanology and geothermal energy has been widened to include specialized courses in mine prospecting, held at Cagliari.

Within the ambit of the Council of Europe, signatures have been put to the 'European Convention on the Safeguarding of Archaeological Masterpieces' (London, May 6, 1969). Under this agreement, European states have promised to take sterner measures and to try and put an end to the extremely difficult and complicated problem of smuggling valuable discoveries.

An agreement instituting the European Conference of Molecular Biology was signed in Geneva on February 13, 1969. It aims at strengthening European cooperation in a

field that covers both pure research and industrial application of results

### Italian Migration

According to estimates made by the "Commission for Migration Statistics", a total of 229,264 Italian nationals left this country in 1969. It may be said that the government continued bilateral and multilateral negotiations in this particular field.

Bilateral relations concern the following

*Benelux* — The Italian government noted with satisfaction that all three nations had enacted new Community regulations on the free circulation of manpower. A protocol was agreed upon with The Netherlands to bring the 1960 emigration agreement in line with the E.E.C. norms of manpower movement.

Italian emigration to the Benelux countries continued to drop during 1969, largely due to the contracting of the coal mining industry in Belgium and the level of wages and salaries in The Netherlands, below that of other European nations. Development plans in Luxembourg, particularly those pertaining to the building industry, should lead to a marked expansion in Italian emigration to that country.

*France* — Italian intervention for the purpose of obtaining compensation for Italian nationals who suffered through devaluation of the franc has not made much progress with the French authorities. However, recent wage and salary increases in France, have attenuated hardships to a certain extent.

EUROPEAN NATIONS	174 200	ASIA	20
of which		AFRICA	1 500
The Netherlands	900	AMERICA	28 000
German Federal Republic	70 000	of which	
Belgium	3 000	Canada	7 700
Luxembourg	1 600	United States	18 200
France	12 000	Venezuela	490
Great Britain	4 300	Brazil	360
Switzerland	80 000	Argentina	1 000
Other nations	2 400	Uruguay	20
		Others nations	230
		OCEANIA	11 700

*Germany*—A meeting, under the chairmanship of the Under secretary of State, Signor Pedini, was held at Hamburg on May 1, 1969, which was also attended by Italian workers and members of factory councils in Germany. The talks referred to the more important problems of emigration to Germany.

*Switzerland*—Important regulations concerning the social welfare of Italian nationals employed in Switzerland came into effect after the signing of a protocol to the Italo Swiss Agreement on Social Welfare. This lays down that contributions paid for old age pensions and survivors may be transferred to Italy without any limits as regards to time and also covers several new innovations concerning insurance against disability.

The problem of health insurance for the families of Italian workers still resident in Italy was settled on a temporary basis under Law No. 302 of May 2, 1969, while negotiations aiming at obtaining Swiss contributions towards the cost of such insurance are still under way.

The Schwarzenbach proposals, which were to introduce norms limiting the number of foreigners resident in each

canton to a maximum of 10% of the Swiss population was opposed by the political and administrative authorities in Switzerland, as also by the political parties, employers' organizations and the trade unions. Although Italy could not obviously interfere officially in a question that, at least from a formal viewpoint, was part of internal policy, efforts were made at all levels to demonstrate preoccupation over the serious repercussions that such a limitation would have on the Italian community in that nation.

*Great Britain*—The President of the Italian Republic paid an official visit to Great Britain on April 22/30, 1969 and this led to the signing of a new agreement on social welfare that offers Italian workers much better conditions, particularly with regard to family allowances.

*Australia*—Talks on recognition of professional qualifications in Australia and parity of degree and diplomas—a basic problem, the settlement of which would remove many inconvenience facing Italian emigrants when they first reach that country—were continued during 1969. Negotiations also referred to transfer of pensions.

Some differences between the Italian and English texts of the Italo-Austrian Emigration and Settlement Agreement of 1967 were corrected, as also the agreement on assisted passages.

*Canada*—The visits of Mr. Elliot Trudeau to Italy and Signor Aldo Moro were the highlights of Italo-Canadian relations.

A team of experts was sent in June to discuss migration and social problems and it was agreed that Italy should submit proposals concerning the transfer of pensions. There are serious difficulties, however, because of the two different pension schemes existing in Canada.

*United States*—The new immigration laws that came into effect in 1968—which stopped discrimination based on

origins—has facilitated gradual elimination of a back log in requests for entry. After the visit of President Nixon, and that of Mr Yoffee of the Social Security Administration, Italy submitted a draft agreement on the transfer of pensions or accumulation of contribution periods and the U S government has demonstrated that it wishes to conclude this as soon as possible.

*Latin America*—During 1969, Brazil accepted the latest Italian proposal concerning enactment of the social security clauses of the agreement signed on December 9, 1960. Negotiations over the stipulation of a social security agreement with Venezuela, Uruguay and Chile are at a satisfactory stage.

#### Multilateral relations

*European Economic Community*—Although the results of the application of regulations on the free movement of manpower, which came into effect at the end of 1968, have generally given satisfaction, the Council of Ministers has approved measures to be applied in the drafting of new rulings on social welfare. These should remove all the inconveniences now suffered by Italian nationals.

A conclusive phase has been reached in the restructuring of the European Social Fund for the Council received new proposals in June 1969. Italy attaches special importance to them because they are directed at the creation of a much more extensive body capable of much more incisive participation in the social policy of the Community and the member nations.

*Organization of Economic Cooperation and Development*—The Manpower and Social Affairs Committee of the OECD held its 21st, 22nd and 23rd sessions during 1969 and expressed hopes for improvements in employment services, greater mobility of the labour force and closer cooperation between union consultative bodies.

*Council of Europe*—An advance draft of the European Convention on the Legal Statute of Migrant Workers has been prepared. Italy has concentrated on obtaining higher wage and salary scales and other improvements for labour. An initial pilot programme for vocational training of labour has been started in this country with the aid of the Southern Italy Development Fund. A Resolution has been submitted on the social advancement of workers by means of adequate technical training and member states have been asked to introduce measures for the international organization of aid systems.

*International Labour Organization*—With the fiftieth anniversary of this organization, Italy ratified Conventions Nos 91, 99, 103, 112, 115, 119, 120, 122, 123, 124 and 127. This means that Italy has now ratified 78 of these I L O conventions. A Preparatory Technical Maritime Conference was held at Genoa on the invitation of the Italian government.

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## 4

# THE REGIONS WITH ORDINARY STATUTES

*The New Structure of Local  
Government and the Election  
of the First Regional Councils*

**T**he Republic of Italy is divided into Regions, Provinces and Communes (Article 114 of the Constitution) and, in view of this, the Italian government set about an important, if not revolutionary, move that has led to the creation of regional administration.

However, the decision to introduce regional government was not taken in haste by the Constituent Assembly during the immediate post-war period. It was, indeed, the answer to a trend that made itself felt since the time that Italy had become a united territory, when there



were sharp discussions as to the structure to be given to a nation created from the merging of small states that had their own particular organization and structure. Even then, there were references made to the idea of benefitting both central government and the Communes by creating regional territories. Those in favour of the idea were fearful of the ills that could be caused by excessive concentration of authority since this prevent the numerous public needs from being satisfied with all haste. Those against the system argued that the survival of territorial divisions, corresponding more or less to that of the former independent states, would represent an obstacle to the process of unification that had only just begun.

As far as the regions were concerned, the question was shelved and—for evident reasons of a political nature—it was stated that it would be better to give Italy a more rigid structure, with uniform legislation and administration for the whole country, so that the process of unity could be strengthened. This was done, in spite of the fact that economic reasons, tradition, geography and customs called for decentralized administration and a system of independent regions. As a consequence, the idea of regional government—not mentioned in the Charles Albert Statute of 1848 (the formal Italian Constitution which preceded the current statute of republican principles), which recognized only the Provinces and the Communes—was not even referred to in the fundamental administrative laws of 1859 and 1865. Many years had still to pass because of the preference given to the strictly unitarian idea.

As the years went by, and particularly after the first world war, the voices in favour of regional decentralization became louder. As a unified nation, Italy had gained strength and there appeared to be little place for the political reasons that had prevented the country from having regional administration right from the start. However, the period of Fascist government put an end to any such aspirations.

The birth of the idea of regional administration as a real political trend dates from 1943 when "separatist movements" began to appear in such regions as Sicily, Val d'Aosta, Alto Adige and Venetia Julia. Supporters aimed at replacing central government with a federation of states, or a federal union of Italy, or even transferring sovereign powers to other nations. In Sardinia, it was generally thought that any form of unity without a more flexible internal structure would be dangerous to local interests.

As democratic powers took control of the country, the left wing parties could find no sufficient motives for making regional claims. Indeed, they were suspicious and proposed that answers to Italian problems be found on a more global scale and concentrated in an overall national policy. Liberal and monarchist circles were also contrary to the idea of regional structure since they were still anchored to the principles inherited from the Risorgimento. It was the Republicans and the Christian Democrats who must be considered as the political movements responsible for returning to the original principles.

### The Constituent Assembly

The question of institutional decentralization, therefore, again came to the fore with a return to democratic government in Italy at the end of the second world war.

The Constituent Assembly was elected on June 2, 1956, at the same time as the referendum was held that brought about the fall of the monarchy. It held its first session on June 25, 1946.

During a meeting that took place on July 15, some important decisions were taken with regard to the drafting of the Constitution and one of these referred to the appointment of a Commission, composed of 75 members which would proportionally represent the various political parties and movements. On the proposal of the Chairman, Signor

Ruini, this Commission was divided into three Sub Committees, the second of which was given the extremely difficult task of establishing the organs of administrative authority and the limits to their powers

The Sub Committee, under the chairmanship of Signor Teracini, was composed of Messrs Ambrosini, Amendola, Bonomi, Bordon, Bozzi, Bulloni, Calamandrei, Canevari, Cappi, Castiglia, Codacci Pisanelli, Conti, De Michele, Einaudi, Fabbri, Finocchiaro Aprile, Fuschini, Grieco, Lami Starnuti, La Rocca, Leone, Lussu, Maffi, Mannironi, Mortati, Nobile, Patricolo, Perassi, Piccioni, Porzio, Ravagna, Rossi, Targhetti, Tosato, Uberti, Vanoni and Zuccarini

The second Sub-Committee had to face the basic problem of the structure—decentralized or otherwise—of public administration and political power, of central government holding all authority or a modern state in which regional government could be vested with administrative powers and even legislative authority

Together with the Republicans, the greatest support for the idea of regional structure was given by the Christian Democrat Party, which had inherited the principles expounded years before by the Popular Party. The Socialists and the Communists both had a very lukewarm approach. There were discussions as to whether members of the Constituent Assembly should limit themselves to proposing the idea of regional government without establishing organizational criteria and leaving actual execution to legislation, or whether steps should be taken towards putting the idea into practice immediately. Members debated whether eventual legislative powers of the regions should be of a primary nature with regard to certain matters, or whether these should still be incorporated in central government.

After lengthy and detailed discussion, it was clear that the regional idea was attracting a majority. A Motion was

approved on August 1, 1946 which affirmed that the "Sub Committee is agreed upon the democratic and social reconstruction of the regions and called for the institution of regional government as an 'autarchic', "autonomous and representative body, granted "financial autonomy. The document proposed that a special committee be appointed to draft regional regulations but that it should take into account some special situations existing at the time (Sicily, Sardinia, Val d Aosta, Trentino-Alto Adige, Venetia Julia). It was then decided to nominate ten Committees to be responsible for drafting a report on local independent government.

The 'Committee of Ten'—as it was called—met under the chairmanship of Signor Ambrosini and the members included Messrs Bordon, Castiglia, Codacci Pisanelli, Einaudi, Grieco, Lami Starnuti, Lussu, Uberti and Zuccarini. Three reports were submitted. One limited the powers of the region (drafted by Lami Starnuti of the Socialist Party), a second dealt with concentration of regional powers (drafted by Zuccarini of the Republican Party) while the third, midway between the other two opinions (by Ambrosini of the Christian Democrat Party), suggested that certain new branches of local power be drafted to the existing trunk of central administration.

The ensuing discussions were sharp and were the longest among all those that took place in the Constituent Assembly for they continued for more than two months. The adversaries of regional structure submitted various Motions proposing that the whole project be left to the future Parliament. They held that the institution of regional administration represented no urgent need and that decentralization could be enacted without having recourse to regional councils. In any case, they added, such fundamental reforms had not been given sufficient thought and all the statements in the draft Constitution relative to the regions and the communes should be removed and the whole matter left to the future

Parliament. They also suggested the approval of what became Article 5—on the principles of local independent government—suggesting a delay in reform so that public opinion and political circles could obtain a wider understanding of the experiments being made.

Those in favour of the new system replied that only by radically changing the trends of public administration could the newly born republic demonstrate that it was none other than a worn out repetition of an inefficient system.

In January 1947, the regional project was returned the Commission of 75 for further examination. The sharpest contrasts arose over the legislative powers to be conferred upon the region but the original project, as drafted on the basis of the principles outlined by the second Sub Committee was approved by a majority vote. It was decided that the whole of Title V should not be cancelled and approval was given to a Motion which, apart from repeating the necessity for decentralization in which regional administration would play its part, affirmed that regional government should be "vested with legislative powers within the limits of the directives and principles established by law. Some special autonomous powers were also granted to the regions with special statutes.

The debate then began on the individual articles and this resulted in approval of the present Constitution on December 22, 1947, which came into effect on January 1, 1948.

### Local • Autonomy and The Constitution

Among the numerous norms that cover and govern local autonomy in the Constitution there is one which has a rather special conception for it says that autonomy is desired as the result of a new order of democratic administration. The goal, it implies, is to provide new media for popular participation in the determination of political and

administrative trends by means of an organizational structure of such dimensions as to feel the influence of public feeling

Before examining the various norms found in Title V of the Constitution ("The Regions, Provinces and Communes"), mention must be made of Article 5, of considerable importance because it is included among the "basic principles" and is the only one dealing with public powers that is contained in this section of the Constitution. This implies that the members of the Constituent Assembly were of the opinion that recognition of local autonomy was a fundamental right and they thus accorded it certain forms that are not even granted to the general parliamentary structure.

Article 5 says that "the Republic, which is one and indivisible, recognizes and promotes local autonomy, it applies the fullest measure of administrative decentralization, and adjusts the principles and methods of its legislation to the requirements of autonomy and decentralization. In effect, considered in relation to the new structure of the State, local autonomy represents something that is completely new and regional government is accepted as the pillar of the new system."

The "autarchic" nature of the structure of local government has thus been transformed into administration that has autonomous powers because the Constitution grants that special type of authority which enables it to pursue its own particular political path, in conformity with general interests. Such autonomy is expressed in election of the representative bodies that are able to issue norms within certain limits and which become part of the general norms of government, and in the approval of administrative regulations, recognition of local government as a specific function and the granting of certain financial powers.

In practice, the Constitution does attribute such autonomy to the regions (Article 115) and to the provinces and

communes (Article 128) But such autonomy is by no means the same, since that granted to the regions is "according to the principles established by the Constitution" while that of the provinces and communes lies "within the principles laid down by the general laws"

This article deals only with those regions granted an ordinary statute, although the Constitution does refer to those with *special* statutes, created and functioning for sometime According to Article 116 of the Constitution, these have "particular forms and conditions of autonomy, in accordance with special statutes adopted by constitutional law" The regions concerned have historical, ethnical and economic aspects which convinced the Constituent Assembly that they should be granted rather wider autonomy than others

The Constituent Assembly also set about issuing laws of a constitutional nature under which these special statutes could be granted Sicily became a region with a special statute under a Decree Law, No. 455 of May 15, 1946 which was later converted into a constitutional law of February 26, 1948. Other constitutional laws of the same date, bearing the numbers 3, 4 and 5, granted special statutes to Sardinia, Valle d'Aosta and Trentino-Alto Adige respectively. Constitutional Law No 1 of January 31, 1963 instituted the same privileges for Friuli Venezia Giulia, a region specifically referred to in Article No 10 of the Transitory and Final Provisions of the Constitution

### Legislative Autonomy

According to Article 117, the regions may legislate for the following town boundaries, organization of offices and the administrative bodies dependent upon the Region, urban and rural police, fairs and markets, public charities and health and hospital assistance, vocational training and scholastic assistance, town planning, tourist trade and the hotel industry, museums and libraries, trams and coach services

of regional interest, roads, aqueducts and public works of regional interest, lake navigation and inland ports, mineral and spa waters, quarries and peat bogs, hunting, fishing in lake and river waters, agriculture and forestry, artisan trades, and other matters indicated by constitutional laws. The Article concludes by stating that the laws of the Republic may delegate powers to the regional administration to issue norms for their enforcement.

It is obvious that regional legislative powers are very wide even though limited to the branches stated above and to others that may eventually be transferred from central government. In the case of some of them (town planning, health and hospital assistance, agriculture and forests and public works), the political importance is more than evident.

However, in the exercise of legislative power, regional administration has its limits. Constitutional norms must be respected (this applies to all forms of government) and the limits are themselves mentioned in Article 117 which refers to "the fundamental principles established by the laws of the State and respect of national interests and those of other regions. These limits have been imposed purposely as a means of guaranteeing uniform juridical structure.

The relationship between state and regional norms, and the limits imposed upon the legislative powers of the region, implies that the basic principles to which regional laws must conform must be clearly set out in special legislation providing a framework. In fact, Article 9 of the "Transitory and Final Provisions" states that "within three years of the effective date of the Constitution, the Republic shall adjust laws according to the requirements of local autonomy and the legislative competence attributed to the regions.

Parliament pronounced itself on this point in Law No 62 of February 10, 1953 concerning the institution and



functions of regional bodies. Article 9 laid down that the exercise of legislative powers by regional authorities should conform to Article 9 of the "Transitory and Final Provisions" of the Constitution and the laws of the Republic setting out the basic principles of regional legislation.

Today, the issuing of such basic laws is no longer necessary as a means of exercising regional legislative powers. Article 17 of Law No. 281 of May 16, 1970 contains financial norms for regions granted ordinary statutes, has reformed Article 9 of Law No. 62 of 1953 by establishing that the "issuing of legislative norms on the part of the regions lies within the limits of those fundamental principles expressed in laws governing individual interests or in other current laws", and establishes a period of two years for basic legislation. In any case, at the conclusion of this period, regional government may still exercise its legislative functions even though it has not carried out other norms relative to the institution of regional administration.

The limits imposed by basic principles does give rise, of course, to questions concerning the conformity of regional laws with those of central government and their legitimacy.

Other curbs, relative to national interests and those of other regions, raise questions concerning the opportuneness of certain regional decisions in comparison with those that might be taken by central government or other regions. These, however, are of a clear political nature which the Constitution refers to Parliament. Article 127 of the Constitution, in fact, lays down that central government may submit the question of the merit of a regional law to Parliament—approved for a second time with an absolute majority by the Regional Council—should it be considered contrary to national or other regional interests.

#### Administrative Autonomy

Apart from legislative competence, regional government also has administrative autonomy with regard to the items

set out in Article 117, over which it enjoys legislative powers, or other matters that may be delegated to it (Article 118 of the Constitution). At an administrative level—and contrary to what happens in the case of legislative powers—and contrary to what happens in the case of legislative powers—regional government is not restricted but must respect certain limits that guarantee the autonomy of the provinces and the communes or other local authorities. Identification of administrative functions is not difficult if the actual goals of regional legislative powers are understood. Indeed, the role of administration is granted to the regional authorities, “the exceptions being matters of exclusively local interest that are the responsibility of local bodies of minor importance.”

The parallel between legislative and administrative powers, laid down by the Constitution, is the answer to the needs of organized economy, puts an end to an excess number of public bodies handling similar public interests and avoids confusion as to actual responsibility.

Article 118 and the eighth article of the “Transitory and Final Provisions” of the Constitution (“the laws of the Republic regulate, for all branches of public administration, the transfer of central government powers attributed to the region”) were recently applied under a financial law, No. 281 of May 16 1970, which, under Article 17, establishes the principles and criteria that the central government must follow when issuing norms delegating powers to regional administration. It says: “The powers of central and local government in relation to the items set out in Article 117 of the Constitution shall be transferred to the region. Central government is permitted to guide and coordinate regional activities that are connected with matters of national interest, and this also applies to goals connected with national economic planning. In this way, there is a clear relationship between central and regional government that corresponds to

the constitutional principles of regional autonomy and economic organization. Furthermore, the reference to national economic planning guarantees that a uniform aspect can be given to the varying interests of the regions and the nation as a whole.

The exercise of administrative powers often results in a plurality of public offices that are embodied in the central departments of government. Article 17 of the financial law mentioned earlier lays down that "the transfer of public functions to the regions shall take place in an organic manner", meaning that transfer can take place in an orderly way and without objections being raised as to the competence of one or other branch of central government.

The limits encountered by regional administration chiefly concern matters of local interest. The responsibilities of local bodies will continue until new organization is embarked upon, even though no precise date has been established for this. But, it must be stressed that relations between regional government and local bodies, as referred to in Article 118, do reconfirm the principle of independence of local bodies and decentralization of the functions of the entire organization. The said Article states that "the region normally exercises its administrative functions by delegating them to the provinces, communes or other local bodies, but according to the directives of regional government and under its supervision".

### Organization Structure    The Statute

When discussing the structure of the regions, the Constituent Assembly was obviously inspired by democratic motives. The Constitution provides for three basic, representative bodies — the Regional Council, a body of a deliberative nature, the Regional Junta, an executive body, and the President, who is the representative of the region (Article 121).

The *Regional Council* is elected and is thus a representative body. It "exercises the legislative and administrative

power granted to the region and all other functions conferred upon it by the Constitution and by law. It may submit Bills to Parliament. It is also given powers to organize its own structure by electing its own President and his officers (Article 122).

Regional Councils are renewed every five years, in conformity with Law No. 108 of February 17, 1968 which also, in execution of Article 122 of the Constitution, contains norms concerning cases of ineligibility and incompatibility, election procedure, and control of ballots. Elections are by universal suffrage, with votes for the candidates named on the lists. Assignment of seats is based on the proportional system according to the number of constituencies existing in the region and which, generally, are equivalent to the provinces.

Under Article 83 of the Constitution, the Council appoints its representatives for the election of President of the Republic. Five Regional Councillors may also submit a plea for a referendum.

The *Regional Councillors* to be elected vary according to the population of the region. They number 80 in those regions with over six million inhabitants, 60 in those with a population of over four million, 50 in those with over three million inhabitants, 40 in those with over one million, and 30 in others. As a consequence of the political autonomy granted to the region, the fourth paragraph of Article 122 of the Constitution lays down that "Regional Councillors may not be called upon to answer for opinions expressed, or votes cast, during the exercise of their duties. However, this does not mean that they enjoy the same immunity as Members of Parliament."

The *Regional Junta* is an executive body and consists of a President and a certain number of members elected by the Council from among its own components. Its members do not have specific duties such as, for example, those assumed

by Ministers. As a consequence, regional administration is executed through a panel, the members being collectively responsible since there is no personal direction of specific branches. Members are subjected to the same norms and regulations as those of the Regional Council.

The *President of the Junta*, apart from presiding over this executive body, "represents the region and, in this guise, "promulgates regional laws and regulations and exercises all the administrative functions delegated to the region by central government. In the exercise of his duties, the President acts as the representative of regional government although he must conform to the "instructions of central government.

In short, therefore, the Regional Council assumes political and legislative responsibilities, while the Junta and the President carry out administrative functions.

Organizational problems that may arise, on the basis of constitutional norms may be quite different from region to region, but the terms of the Constitution must be observed, even if these are of a general nature. One of the consequences of political autonomy has been the faculty of regional government to set up its own autonomous organization through a medium that the Constitution has contemplated for such a purpose — the *regional statute*.

The statute granted to each region "establishes norms relative to the internal organization of the region and is "discussed and approved by the Regional Council through an absolute majority of its members. As stated in Article 123 of the Constitution "it is further approved by a law of the Republic. Constitutional rulings also lay down that it "must be in harmony with the laws of the Republic and obviously this applies to those laws foreseen under the Constitution for the institution of the said regions. Regional Councils are thus quite autonomous as far as approval of the

statute and are not obliged to create an organization of a uniform nature

Law No 62 of February 10, 1953, the only one of its kind, is still in force and poses many kinds of problems. Indeed, it has been suggested that it be modified, annulled or replaced. But, shortage of time did not permit the drafting and approval of a new law without postponing the date for the election of the first Regional Councils. The general opinion is that the Councils discuss the statutes by drawing on the organizational autonomy which is guaranteed and permitted by the Constitution.

There is no doubt that the facilities granted to the regions are very vast and thus the fifteen newly elected Councils will have every opportunity of arranging their organizational autonomy according to their wishes.

### Financial Autonomy

The financial autonomy granted to the regions under Article 119 of the Constitution completes the cycle of other independent powers (political, legislative, administrative and organizational) conceded to these new administrative bodies. The regions may impose their own taxes and receive a quota of exchequer revenue, according to their needs, in order to cover essential expenditure and carry out normal responsibilities, as referred to in the second paragraph of Article 119 of the Constitution. The reason is clear and refers obviously to the responsibilities assumed under Article 117.

The region is also entitled to revenue from demense and property lying within its boundaries (fourth paragraph of Article 119) and central government assigns by law special allocations for specific purpose and particularly for the development of southern and insular Italy.

These constitutional norms were recently executed through Law No 281 of May 16, 1970 containing "Financial

## Provisions for the Institution of Regions with Ordinary Statutes "

This law was drafted on the basis of the actual functions to be transferred to the regions and the financial norms are intended to give local administration a structure that corresponds to what is needed to carry out institutional responsibilities. A budget figure of Lit 700,000 million has been established, of which Lit 120,000 million from local taxes, rates and levies, and Lit 580,000 million from central government. The latter figure corresponds to what central administration currently spends of functions that are to be transferred.

Revenue earned by central government under law relates to tax levies on concessions of public property, levies on regional concessions, road tax, taxes on use of public sites, income from exchequer levies on land and property, etc. Each region will have a right to revenue earned from property located within its boundaries.

The contributions which are to be made by central government are represented by a fund created from various sources of exchequer revenue (manufacturing tax on mineral oils, spirits, beer, sugar products, heavy gases, consumer tax on tobacco), the percentage values of which are inclined to vary. The sums allocated to the regions will vary according to resident population, size, emigration trends and unemployment, and per capita levies of complementary tax will also be taken into consideration.

The law also authorizes regional government to contract loans, but only for the purpose of investments or participation in regional financial holdings whose goals coincide with those of local government and whose interests are shared by other local public bodies.

From the time of the elections, and up to at least the second successive year, regional revenue will consist of contributions from central government for initial expenditure. These

sums have been agreed upon as follows: Basilicata, Molise and Umbria—Lit. 460 million per year, Abruzzo, Calabria, Liguria and Marches—Lit. 650 million per year, Campania, Emilia, Latium, Lombardy, Piedmont, Tuscany, Apulia and Venetia—Lit. 815 million.

### Relations between Central and Regional Government Controls

Having established the prerogatives, powers and organizational criteria of the regions, the Consultant Assembly also decided to draft regulations so that legislative, administrative, financial and organizational functions would be in harmony and respect the principles laid down in Article 5 of the Constitution. As a consequence certain norms were added to the said Constitution and are to be found in Article 124, 125, 126, 127 and 130. They refer to the functions of regional administration in relation to central government.

In other terms, a form of machinery has been created for the purpose of avoiding conflicts of opinion and putting an end to any contrasts that may arise. It is a safeguard against interference from central government and possible limitation of regional autonomy but also guarantees that regional government does not take measures that may harm national interests. Such machinery helps in reconciling local autonomy (which may pursue a path somewhat different to that of central government) with the overall system of public powers.

A *Government Commissioner* has been appointed to each regional capital. He is directly responsible to central government and acts as a type of liaison official. His responsibilities are wide but, most important of all, "he supervises the administrative functions of central government and coordinates them with those of regional administration". This means that the Commissioner cannot directly control local administration, his powers being limited to supervision. It is now a question of drafting a series of norms which will



facilitate decentralized administration at regional level, although this has been partly achieved by Law No. 62 of 1953.

The powers of the Government Commissioner are also mentioned in Article 127 of the Constitution which states that every law approved by the Regional Council shall be communicated to the government representative who, except in the case of opposition on the part of central government, must approve it. This must not be regarded as control in the strict sense of the term but as a formal and executive act that enables central government to understand the contents of the law before it is enacted. Actual control is left to the Constitutional Court or to Parliament.

*Control of administrative functions* hinges on the decisions issued by the Regional Junta, which is the executive body of the region (Article 121) and is exercised (Article 125), in decentralized form, by an organ of central government. As the Constitution specifies, such control is concerned with the legitimate nature of the law. Law No. 62 of February 10, 1953, enacting this directive, foresees the institution of a Control Commission which would be responsible for examination of all the decisions taken by the Junta and the Council that refer to administrative matters. It will be composed of public officials of central government and persons appointed by the Regional Council, will meet under the chairmanship of the Government Commissioner (or an official he may designate) and be registered in the regional capital.

Apart from the question of legitimacy, Article 125 of the Constitution states that, "in specific cases, the law may admit re-examination of the merits of the case, but only to the extent of promoting enquiry into a controversial decision of the Regional Council. This is a specific form of supervision but the Constitution is careful to provide norms that guarantee the autonomy of regional government since the Council is itself required to discuss the controversial law once more at the suggestion of central government.

Law No 62 of 1953 also lays down that the Control Commission may propose re examination of certain regional measures, adding that these must be considered approved if, on a second reading, they receive a majority vote from the members of the Council. Article 125 of the Constitution also states that "first degree courts must be instituted for litigation concerning administration

Political control, as considered in Article 126 of the Constitution, consists of supervision of regional bodies and regulates the dissolving of the Regional Council—an elected organ—when it proves that it is no longer in a position to function correctly "or when it performs acts contrary to the Constitution or commits serious violations of the laws or when it "fails to respond to the requests of the government to replace the Junta and the President when these have committed similar acts or violations" or "for reasons of national security." As may be seen, these are all cases of a particularly serious nature.

In any case, the measures relative to the dissolving of the Council are contemplated in a very precise manner by the Constitution. In fact, the decision lies with the President of the Republic who must issue a Decree of Motivation after hearing the opinions of a special Parliamentary Commission composed of 15 Senators and 15 Deputies, selected on a proportional basis. Law No 62 of 1953, referring to the decisions of the Council of Ministers and the proposals of the Prime Minister, requires that all the senior constitutional organs be interrogated. This does not mean that central government is able to take discriminatory action against the region for the Constitution lays down that the Council so dissolved shall be replaced by a "commission of three citizens eligible for election to the Regional Council" and that this must announce the holding of "new elections within three months and "provide for ordinary administration. This excludes any person who has held Office on the Regional

Council and, in actual fact, dissolution of the body really terminates in new elections

*Control of legislative powers* of the regions is governed by Article 127 of the Constitution and is part of the series of guarantees introduced to assure respect of reciprocal limits and competence

Article 127 says that central government may ask the region to re-examine a law when this "exceeds the competence of the region, or conflicts with national interests or those of other regions. If the Council again approves the law by an absolute majority, the government may, within fifteen days of communication of the fact, submit the question of its legitimacy to the Constitutional Court, and that of its merit, in the case of conflicting interests to the Chamber of Deputies and the Senate. In other terms, central government control of regional laws is much reduced since there are two bodies—the Constitutional Court and Parliament—who are called upon to give a decision and whose impartiality and independent status guarantees an unbiased verdict

On the basis of Article 134 of the Constitution, the Constitutional Court decides on the legitimacy of laws passed by central and regional government and on controversies arising over assignment of powers to central and regional administration and among the regions. Should the Court declare a law to be constitutionally illegitimate, it is annulled. When it is a question of contrast of interests and the controversy is not considered legitimate, central government appeals to Parliament which is the competent body to decide upon such a matter

It is easy to see that the organs of executive power of central government have very limited authority over the regions and consist of little more than the possibility of asking for the intervention of constitutional bodies that can

give impartial decisions This, however, respect the autonomous nature of regional government which is guaranteed by the Constitution

### Election of the First Regional Councils

On April 18, 1970, the *Official Gazette* published the decrees authorizing election of Councils in the fifteen regions granted an ordinary statute These were accompanied by another decree establishing the number of components of the Regional Councils and the assignment of seats in constituencies corresponding to current provincial boundaries In all, there were 690 seats, divided according to the size of local populations Eighty Councillors were established for Lombardy, 60 in Campania, 50 in Piedmont, Venetia, Emilia Romagna, Tuscany, Latium and Apulia, 40 in Liguria, Marches, Abruzzi and Calabria and 30 in the others Umbria, Molise and Basilicata

Law No 108 of February 17, 1968 (Article 23) authorizes the Ministry of the Interior to handle all voting operations Elections took place on May 7 8, 1970, accompanied by others for renewal of provincial and communal councils

Voters numbered 35,874,987, of which 18,739,510 were women and 17,135,477 were men Of this total, 30,915,561 were registered as voters for the 15 Regional Councils The counting of ballot sheets in the 65,403 polling stations installed in 7,712 communes, began after 2 p m on June 8 and the results were made public by the Ministry of the Interior

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## 5

### LOCAL ELECTIONS IN ITALY

**L**ocal elections, for the renewal of some provincial and communal councils, were held on June 7-8, 1970. Seventy nine provinces were concerned, of which 75 were located in regions with ordinary statutes—excluding Foggia, Ravenna and Rome—plus three in Sardinia and 4 in Friuli Venezia Giulia.

There were 6,632 Communes involved in the elections, of which 1,561 had populations of over 5,000 inhabitants (where the proportional system was used) and 5,071 had populations of less than 5,000 (where the majority system was used).

#### **Provincial Elections**

These elections concerned 29,792,272 voters (14,232,697

men and 15,559,575 women) resident in 7,061 Communes and they were required to cast ballots for 2,325 new Provincial Councillors, plus 296 Councillors for the new Sicilian Provincial Councils. In the latter region, direct and universal suffrage was used for the first time, contrary to earlier practices when the Provincial Councils were elected by the Communal Councils in the provinces concerned. Voters numbered 32,861,163 in all, of which 15,698,996 were men and 17,162,167 were women.

### Communal Elections

Voters numbered 28,422,101 (13,580,644 men and 14,841,457 women) and they were required to elect 121,802 Communal Councillors, of whom 5,972 were to be appointed to the 260 Communes of Sicily. The elections were held in 80 Communes considered to be capital towns within the provinces with the exclusion of 14 Communes in which elections took place at a somewhat earlier date so that the Councils had not yet completed their term of office.

